

TABLE OF CONTENTS

| | |
|--|----------------------------|
| Town Departments and Services | <u>2</u> |
| Departmental E-mail Addresses | <u>3</u> |
| Amherst Facts | <u>4</u> |
| Organizational Chart..... | <u>5</u> |
| Appointed Municipal Employees..... | <u>6</u> |
| Boards and Committees | <u>9</u> |
| Select Board | <u>14</u> |
| Town Manager | <u>19</u> |
| Board of Assessors and Assessor's Office..... | <u>21</u> |
| Office of the Collector/Treasurer | <u>24</u> |
| Community Preservation Act Committee | <u>28</u> |
| Council on Aging/Senior Center | <u>30</u> |
| Finance Committee | <u>39</u> |
| Finance Director..... | <u>43</u> |
| Health Department & Board of Health | <u>45</u> |
| Human Resources/Human Rights | <u>50</u> |
| Human Rights Commission..... | <u>53</u> |
| Inspections Department | <u>55</u> |
| Joint Capital Planning Committee..... | <u>56</u> |
| Kanegasaki Sister City Committee | <u>64</u> |
| Libraries..... | <u>66</u> |
| Planning Board & Planning Department | <u>75</u> |
| Police Department..... | <u>84</u> |
| Public Art Commission..... | <u>97</u> |
| Public Bicycle Transportation Committee | <u>98</u> |
| Recycling Refuse Management Committee | <u>99</u> |
| Amherst Public & Amherst-Pelham Regional Schools..... | <u>100</u> |
| Town Meeting Coordinating Committee | <u>107</u> |
| Zoning Board of Appeals..... | <u>108</u> |
| Town Comptroller | <u>110</u> |
| Town Clerk..... | <u>127</u> |
| Registrars..... | <u>128</u> |
| Town Meetings and Elections | <u>130</u> |

At Your Service

TOWN OF AMHERST DEPARTMENTS AND SERVICES

In Case of Emergency CALL 911 for Fire, Police, or Ambulance

| | | | |
|-------------------------------|----------|------------------------------|----------|
| Accounting | 259-3026 | Parks, Playgrounds, Pools | 259-3065 |
| Aging Services | 259-3060 | Planning Department/Board | 259-3040 |
| Ambulance-Emergencies Only | 911 | Police Department: | 259-3000 |
| Animal Welfare Officer | 478-7084 | Chief of Police | 259-3014 |
| Assessments | 259-3024 | Detective Bureau | 259-3015 |
| Building Permits, Inspections | 259-3030 | Records Bureau | 259-3016 |
| Cherry Hill Golf Course | 256-4071 | Rape Hotline | 259-3011 |
| Community Services Depart | 259-3074 | Public Works Department | 259-3050 |
| Conservation Services | 259-3045 | Recreation Department | 259-3065 |
| Council on Aging | 259-3060 | Recycling | 259-3050 |
| Design Review Board | 259-3040 | Redevelopment Authority | 259-3040 |
| Engineering | 259-3050 | Refuse Collection | 259-3050 |
| Finance Director | 259-3287 | Schools: | |
| Fire Department-- | | Administration | 362-1810 |
| To Report a Fire | | Crocker Farm | 362-1600 |
| 911 | | Fort River | 253-9731 |
| Other Business | 259-3082 | Mark's Meadow | 549-1507 |
| General Information | 259-3002 | Wildwood | 362-1400 |
| Health Board, Health Dept | 259-3077 | Regional High | 362-1700 |
| Highways, Water, Sewer, Trees | 259-3050 | Regional Middle | 362-1850 |
| Housing Planner | 259-3322 | Select Board | 259-3001 |
| Housing Authority | 256-0206 | Senior Center | 259-3060 |
| Human Resources | 259-3009 | Town Clerk | 259-3035 |
| Human Rights | 259-3079 | Town Manager | 259-3002 |
| Information Technology | 259-3098 | Treasurer/Collector | 259-3020 |
| Leisure Services | 259-3065 | Veterans' Services | 259-3028 |
| Libraries: Hours and events | 259-3090 | Vital Statistics and Records | 259-3035 |
| Jones Library | 259-3090 | Voting, Registration | 259-3035 |
| Munson Library | 259-3095 | Wastewater Treatment Plant | 259-3050 |
| North Amherst Library | 259-3099 | Weights and Measures | 259-3030 |
| English as a Second Language | 259-3093 | Wiring Permits | 259-3030 |
| Licenses | 259-3035 | Zoning Permits | 259-3030 |
| Maintenance | 259-3039 | | |

DEPARTMENT E-MAIL ADDRESSES

| Name | E-mail Addresses |
|-------------------------------------|--|
| Accounting..... | accounting@amherstma.gov |
| Assessor's Office..... | assessors@amherstma.gov |
| Collector/Treasurer..... | collector@amherstma.gov |
| Council on Aging/Senior Center..... | seniorcenter@amherstma.gov |
| Conservation..... | conservation@amherstma.gov |
| Fire Department..... | fire@amherstma.gov |
| Health Department..... | health@amherstma.gov |
| Human Resources..... | humanresources@amherstma.gov |
| Human Rights..... | humanrights@amherstma.gov |
| Information Technology..... | info@amherstma.gov |
| Inspection Services..... | inspections@amherstma.gov |
| Leisure Services..... | lsse@amherstma.gov |
| Maintenance..... | maintenance@amherstma.gov |
| Parking..... | police@amherstma.gov |
| Planning..... | planning@amherstma.gov |
| Police..... | police@amherstma.gov |
| Public Works..... | publicworks@amherstma.gov |
| Select Board..... | selectboard@amherstma.gov |
| Town Clerk..... | townclerk@amherstma.gov |
| Town Manager..... | townmanager@amherstma.gov |
| Veterans' Services..... | veterans@amherstma.gov |

AMHERST LEGISLATORS AND FACTS 2013

U.S. SENATOR

Elizabeth Warren
317 Hart Senate Office Building
Washington, DC 20510
Phone: (202) 224-4543

U.S. SENATOR

John Kerry (resigned 1/31/13)
William Maurice Cowan (2/1-7/15/2013)
Ed Markey (assumed office 7/16/2013)
218 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-2742

U.S. REPRESENTATIVE 2nd District

James P. McGovern
438 Cannon HOB
Washington, D.C. 20515
Phone: (202)--225-5759

STATE SENATOR

Stanley C. Rosenberg
(Hampshire and Franklin District)
Room 320, State House
Boston, MA 02133
Phone: (617)722-1532

STATE REPRESENTATIVE

Ellen Story
(3rd Hampshire District)
Room 167, State House
Boston, MA 02133
Phone: (617)722-2012

FY 12 TAX RATE: \$18.74/\$1,000.00

AREA 27.79 square miles

ELEVATION – 313 feet above sea level at Town Hall

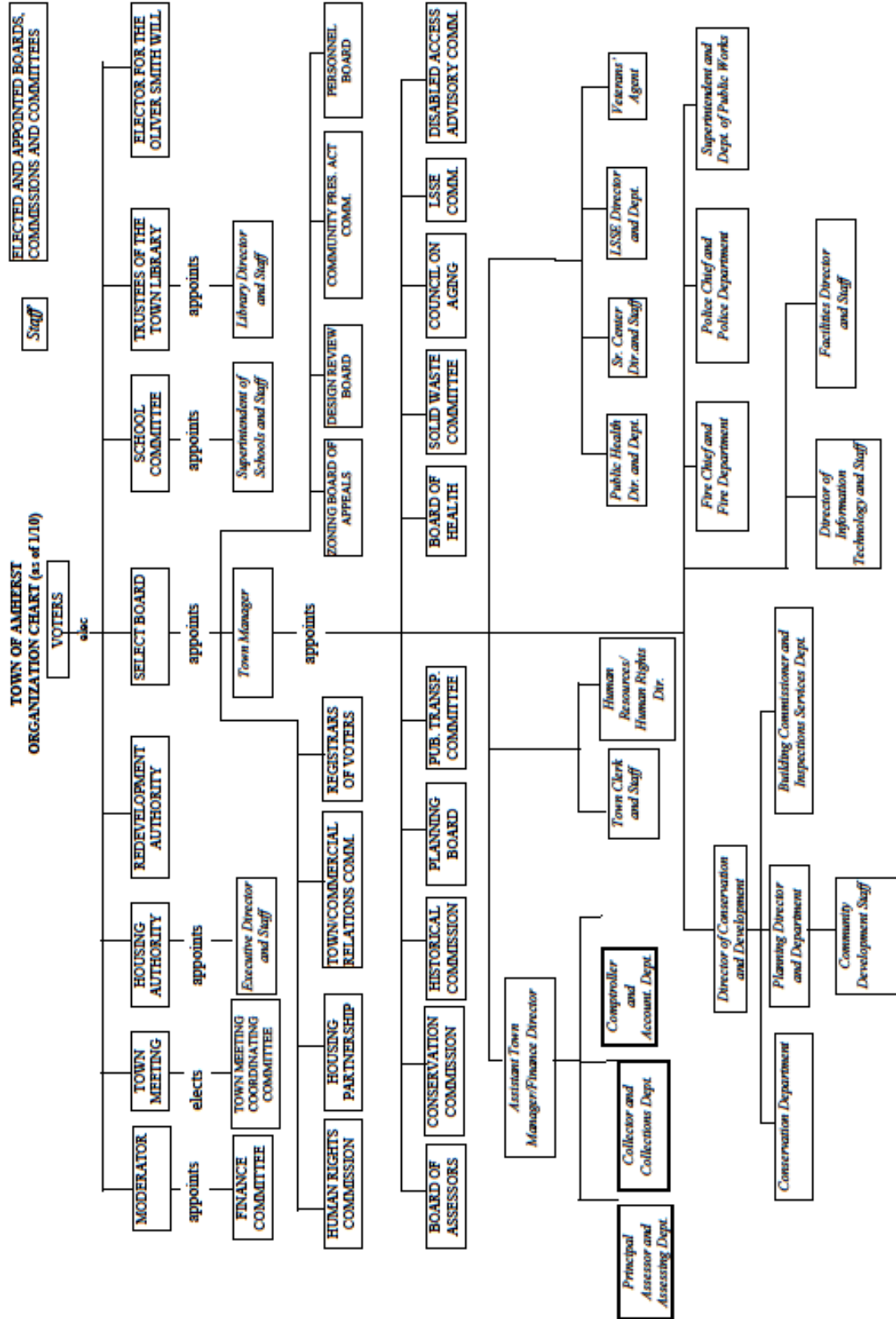
LOCATION

Geodetic position of Town Hall:
Latitude – 42 degrees 22'00"
Longitude – 72 degrees 30'30"

ROAD MILEAGE

137.30 Miles
(not including state highways -
105.56 Miles)

POPULATION – 37,819 (source: 2010 Federal Census)



APPOINTED MUNICIPAL EMPLOYEES FY 2013

ADMINISTRATION AND FINANCE

TOWN MANAGER

John P. Musante
Puppel (Roussel), Debra A.
Moyston, Jennifer
Zlogar, Kay

Town Manager
Asst. to the Town Manager
Administrative Assistant
Trust Manager/Labor Relations

FINANCE DEPARTMENT

Sanford Pooler

Finance Director

ACCOUNTING

Sonia R. Aldrich
Bowser, Holly M.
Fleurent, Theresa M.
Littman, Kim M.

Comptroller
Asst. to the Comptroller
Payroll & Benefits Coordinator
Customer Service Assistant II

TREASURER/COLLECTOR

Claire E. McGinnis
Boucher, Cheryl A.
LaFountain, Jennifer T.
Cary, Cynthia A. ★★★★★
Goodhind, Susan E. ★★
Ricker-Horton, Melissa A.

Collector
Asst. Treasurer
Asst. Collector
Customer Service Assistant II
Customer Service Assistant II
Customer Service Assistant II

ASSESSORS

David W. Burgess
Bouthilette-Sarna, Theresa
Turati, Lori J.

Principal Assessor
Administrative Assistant
Administrative Assistant

INFORMATION TECHNOLOGIES

Kristopher J. Pacunas, Sr.
Hannon, Sean P.
Olkin, Michael D.
Racca, Maria C.
Glover, William P.
Dudkiewicz, Richard T.

Director
Asst. Director
GIS Administrator
Financial Analyst
Network Systems Analyst
Network Systems Specialist

HUMAN RIGHTS & RESOURCES

Deborah B. Radway

Director

TOWN CLERK

Sandra J. Burgess
Audette, Susan
Olanyk, Patricia J.

Town Clerk
Asst. Town Clerk
Customer Service Assist II

PUBLIC SAFETY

FIRE DEPARTMENT

Walter "Tim" Nelson
Stromgren, Lindsay E.
McKay, Donald R.
+West-Davis, Vera M.
Gordon, Deborah A.

Chief
Assistant Chief
Assistant Chief
Management Assistant II
Administrative Assistant

Dunn, William T.
Ingram, John S. ★★★
Olmstead, Jeffrey D.
Tebo, Lawrence

Captains

Goodhind, Timothy S. ★★★★★
Miner, David P.
Sterling, Brian C.
Theilman, Paul

Firefighters

Bascomb, Christopher D.
Burgess, Nathanael R.
Clooney, David
Dion, David J.
Flynn, Gary M.
Gaughan, Stephen P.
Goodhind, Christopher B. ★
Gwyther, Ryan R.
Kennedy, John P.
L'Italien, Kevin M.
Lagasse, Joseph D.
Martell, David
Messer, William
Parr, Jeffrey F.
Roy, Michael E. ★★★
Singh, Jayant D.
Sposito, Matthew F.
Valle, Thomas L.

Bergeron, Casey M.
Chandler, Steven A. Jr.
Cormier, Adam
Flaherty, Robert
*Frailey, Reed M.
Gillispie, George
Graham, Benjamin
Kasal, Ari J.
Konetzny, Michael J.
LaCourse, Joseph P.
Lankowski, Laurie J.
Messer, Thomas F.
Moriarty, Monica E.
Roe, Sarah M.
Ryczek, Ronald E.
Snowden, James W.
Szewczynski, Michael J.

CALL FORCE

Mientka, Edward
Arbour, Bruce T.
Webster, William B.
Wilkinson, Clifford L.

Deputy Chief
Chaplin
Captain
Captain

Call Lieutenants

Hawkins, Michael
Lindberg, Kristen A.

Holmes, David C.
Shumway, Philip W.

Call Firefighters

Bakare, Toheeb O.
Cloutier, David R.
Duckett, Eric H.
Holmes, David C.
Kennedy, Randy A.
*Krzanowski, Tyler D.
*Prather, Christopher
Sanchez, Daniel A.
Toia, Eric M.

Casey, Christopher F.
Cook, Brian J.
Holmes, Averill H.
Kasal, Daniel O.
*Kinchla, John W.
Nympha, Samson
Ragle, Jeffrey
*Steele, Gregory S.
Visniewski, Michael J.

POLICE DEPARTMENT

Scott P. Livingstone
Matuszko, Michele A.
Jolie, Joy A.
Gundersen, Jennifer A.
Pronovost, Christopher G.

Chief ★★★★★★
Administrative Assistant
Records Clerk
Captain
Captain

Menard, William N.
O'Connor, Robert J.

Lieutenants
Millar, Jerry
Young, Ronald A. ★★★★★

Arocho, Jesus E.
Johnson, Brian
Lang, Todd S.
Ting, Gabriel

Sergeants
Daly, Brian C.
Knightly, David R.
Nelson, Charles H. ★★★★★

Barone, Michael J.
Chandler, Nicholas J.
Clark, Thomas W.
Corsetti, Dominick A.
Damouras, James A.
Feliciano, Yvonne M.
Foster, David W.
Gallagher, Scott E.
*Gutierrez, Carlos M.
Hebb, Samuel W.
Humber, Marcus A.
Knightly, Christina B.
Lopez, Janet
Medrano, Johanlet
Newcomb, Linda
Rhoades, David A.
Thurston, Scott C. ★

Patrol Officers
Carr, Benton J.
Chudzik, John M. ★★★★★
Contrado, Rita M.
Damon, Jessica L.
Feliciano, Felipe
Forcum, Michael W.
Frydryk, Matthew R.
Geary, Douglas J.
Harris, Joshua S.
Hulse, Andrew C.
Jackson, Glenn M.
Laramée, William R.
MacLean, Richard P.
Nagle, Kasey J.
Reardon, Jamie P.
Soverino, Scott M.
Wise, Gregory D. ★

ANIMAL WELFARE
Carol A. Hepburn

Animal Welfare Officer

COMMUNICATIONS CENTER
Curtin, Michael F.

Division Supervisor

Emergency Dispatchers
Chudzik, Elizabeth A.
DelPozzo, Scott P.
Gleason, Kevin P.
*Kommel-Bernstein, Jeremy
Rushford, Jason S.
Worthley, William B. ★★★★★

Cicia, Joshua ★
Everett, Stephanie A.
Houston, Scott M.
Pronovost, Jessica L.
Sharp, Janet M.

PARKING ENFORCEMENT
Reynolds, Jennifer A.
Sarna, Thomas J.

Enforcement Officer
Enforcement Officer

FACILITIES MAINTENANCE/CUSTODIAL STAFF
Imbimbo, John E.
Cormier, Debra R. ★
Fuller, Richard A.
Bailly, Nancy P.
Decker, Mary G.
Thun, Robert

Facilities Supervisor
Building Supervisor
Building Supervisor
Building Maintenance Assistant
Building Maintenance Assistant
Building Maintenance Assistant

PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT & SERVICES
Taylor, Ruth L.
Berry, Denise J.

Administrative Assistant
Management Assistant II

CONSERVATION DEPARTMENT

M. David Ziomek

Lass, Elizabeth J.
Cicarello, Stephanie
Willson, Elizabeth
Bordewieck, Bradley W.
*Andrews, Michael
Hall, Chester H.

Assistant Town Manager
Director of Conservation & Development
Program Assistant
Sustainability Coordinator
Wetlands Administrator
Land Management Assistant
Asst. Land Manager
Asst. Land Manager

INSPECTION SERVICES
Robert A. Morra
Fein, Peter F.
Thompson, Jon
Waskiewicz, David J.

Building Commissioner
Building Inspector
Building Inspector
Building Inspector

PLANNING DEPARTMENT
Jonathan Tucker
Bagg, Jeffrey
Brestrup, Christine M. ★
Malloy, Nathaniel J.
+Krzanowski, Susan T.

Planning Director
Senior Planner
Senior Planner
Senior Planner
Management Assistant II

HUMAN SERVICES

COUNCIL ON AGING & SENIOR CENTER
Nancy H. Pagano ★★★★★★
Erman Karen R.
Plante, Maura E.

Senior Center Director
Management Assistant II
Program Director

HEALTH DEPARTMENT
Julie C. Federman
++Moeun, Lauren
Mir, Javeria I.
Smith, Edmund R.
Field-Sadler, Pamela J.

Health Director
Outreach Worker
Sanitarian
Assistant Sanitarian
Management Assistant II

LEISURE SERVICES & SUPPLEMENTAL EDUCATION
Linda L. Chalfant ★★★★★
Bilz, Barbara J.
Lecuire, Anastasia
Miville, Mark A.
Coelho, John
Weston, Gail V.
Roy, Donna L.
Desmarais, Patrice

Director
Asst. Director
Program Director
Program Director
Crew Supervisor
Operations Manager
Administrative Assistant
Customer Service Assistant

LIBRARY SERVICES

Sharon A. Sharry
Radosh, Sondra ★★★★★★
Kimball, Tevis L.
Anaya, Amy ★★★★★
Ryan, Janet L.
Berube, Matthew
Spiegel, Marjorie N.
Hugus, Susan E.
Platt, Carolyn B.
Allan, Henry
Swift, Tina M.

Director
Asst. Director
Curator, Special Collections
Circulation Librarian
Reference Librarian
Librarian III
North Amherst Librarian
Munson Memorial Librarian
Cataloger
Computer Technician
Management Assistant II

Weintraub, Lynne K.
Stokes, Lacey C.
Rothberg, Seth M. ★★★
Verts, Catherine
White, Christine H.
Boyle, Cathy A. ★★★★★
*Grabigal, Bryan R.
Slocum, Lisa A.
Hicks, George F.
Otero, Miguel A.
Paredes, Jose

ESL Coordinator
Circulation Supervisor
Circulation Supervisor
Audiovisual Specialist
Cataloging Technician
Special Collections Specialist
Clerk/Receptionist
Clerk/Receptionist
Building Supervisor
Building Maintenance Assistant
Building Maintenance Assistant

Library Assistants

Atteridge, Theresa I.
+Brinkerhoff, Sylvia R.
Cooke, Clare
Hurwitz, Ralph D.
Pyfrom, Joan E.

Boyd, Roxanne
*Carroll, Kaye C.
Eve, Tomi J.
Lincoln, Judith H.

PUBLIC WORKS

ADMINISTRATION

Guilford B. Mooring, II
Rusiecki, Amy B.
Skeels, Jason O.
ing&Environmental
Dethier, Paul G. ★
*Caprarella, Thomas M.
Marshall, Elizabeth L.
Kurth, Gabrielle E.
McCarthy, Cheryl A.
Murphy, Nancy M.

Superintendent
Asst. Supt. Operations
Asst. Supt. Engineer-

Civil Engineer
Engineering Technician
Engineering Technician
Environmental Scientist
Asst. to the Superintendent
Management Assistant II

EQUIPMENT MAINTENANCE

Willis, Rodney W.
MacDonald, Robert ★★★★★
O'Brien, Cody T.

Division Director
Mechanic
Mechanic

HIGHWAY DIVISION

+Isabelle, Kenneth E.
Mercier, Joseph A.
Longto, Keith W.
Woynar, Mark A. ★★
Burrows, Glenn
Tidlund, Janice
Waterman, Thomas R.
Clogston, Daniel

Division Director
Division Director
Crew Supervisor II
Crew Supervisor II
Crew Supervisor I
Roadway Sign & Paint Tech
Maintenance Worker
Laborer

Equipment Operators

Boucher, John C. ★★★
Gormely, Patrick M.

Clark, Joshua M.
Stacy, Gary L.

Skilled Laborer/Truck Drivers

*Corriveau, Ray
Jacque, Michael
Perez, Michael J.
Vecchiarelli, Mark W.

Gormely, Benjamin J.
*Kennedy, Timothy J.
Skribiski, David J.

LANDFILL AND RECYCLING

Telega, Steven E.
Waite, Susan M.
Zakaitis, Robert J. ★★

Crew Supervisor II
Recycling Coordinator
Equipment Operator

STREET & TRAFFIC LIGHTS

Moore, Michael K.
Hartwell, Frederic P.
Mayette, Norman

Division Director
Electrician
Electrician

TREE & GROUNDS

Snow, Alan
Feltovic, Stephen R.
Feltman, Adam
Boucher, Paul
Bartus, Kenneth J.
Skilled Laborer/Truck Driver
Baker, Donald E.
Mitchell, Stanley L.

Division Director
Crew Supervisor II
Crew Supervisor
Tree Maintenance Worker
Maintenance Worker

Laborer
Laborer

WASTEWATER TREATMENT PLANT & PUMPING STATIONS

Lafor, James W.
Klimczyk, Duane
Coombs, Russell E.
Jordan, James J.
Crowley, John L.
Bowser, Jeffrey L. ★★★
Knightly, Brian M.
Warren, Ashley
Miraglia, Joseph J.
Ritter, Harry J.

Division Director
Division Supervisor
Mechanic/Supervisor
Crew Supervisor II
Mechanic
Maintenance Worker
Maintenance Worker
Lab Technician
Treatment Operator
Treatment Operator

WATER DIVISION

Osborne, Jeffrey C.
Luippold, Thomas F.
Sampson, Kevin
Hagar, Darryl W.
Drake, Charles E. III ★★★★★
Barton, Robin D.
Carlson, Peter A.
Burke, Conor S.
Call, Stephen T. ★★★
Orrell, Robert J.
Szwed, Michael T.
Willis, Dakota

Division Director
Division Supervisor
Crew Supervisor III
Mechanic
Equipment Operator
Maintenance Worker
Maintenance Worker
Operator in Training
Treatment Operator II
Treatment Operator
Treatment Operator
Laborer

KEY:

+ Retired
++ Laid Off
Deceased

* Resigned/Terminated
** Leave of Absence

★ Denotes recognition of 10 years of service
★★ Denotes recognition of 15 years of service.
★★★ Denotes recognition of 20 years of service.
★★★★ Denotes recognition of 25 years of service.
★★★★★ Denotes recognition of 30 years of service.
★★★★★★ Denotes recognition of 35 years of service.
★★★★★★★ Denotes recognition of 40 years of service.

TOWN OF AMHERST BOARDS AND COMMITTEES

Fiscal Year 2013

KEY:

SB = Select Board Appointment
 TM = Town Manager Appointment
 M = Moderator Appointment
 CC = Conservation Commission Appointment
 ALT = Alternate
 C = Chair

D = Deceased
 G-A = Governor Appointee
 R = Resigned
 TC = Term Completion
 V-C = Vice Chair

ELECTED OFFICIALS

| | Elected | Expires | | Elected | Expires |
|--|---------|---------|---|---------|---------|
| <u>Select Board</u> | | | <u>Redevelopment Authority</u> | | |
| Stephanie J. O'Keeffe | 2011 | 2014 | Margaret R. Roberts | 2013 | 2018 |
| Alisa V. Brewer | 2013 | 2016 | John W. Coull | 2009 | 2014 |
| Diana B. Stein | 2011 | 2014 | Aaron A. Hayden | 2011 | 2016 |
| James J. Wald | 2013 | 2016 | Patricia Holland | 2012 | 2017 |
| Aaron A. Hayden | 2012 | 2015 | +Jeanne M. Traester | 2010 | 2015 |
| <u>Amherst School Committee</u> | | | <u>Elector, Oliver Smith Will</u> | | |
| Katherine G. Appy | 2011 | 2014 | John W. Coull | 2013 | 2014 |
| Richard Blake Hood | 2013 | 2016 | <u>Housing Authority</u> | | |
| Kathleen G. Traphagen | 2013 | 2016 | Paul Bobrowski | 2010 | 2015 |
| Lawrence O'Brien | 2012 | 2015 | Judy H. Brooks | 2011 | 2016 |
| Amilcar Shabazz | 2012 | 2015 | Peter Jessop | 2009 | 2014 |
| <u>Jones Library Trustee</u> | | | Laura L. Quinn | 2012 | 2017 |
| Austin Sarat | 2012 | 2015 | +Constance Kruger | 2012 | 2017 |
| Michael Wolff | 2011 | 2014 | <u>Town Meeting Coordinating Committee</u> | | |
| Christopher J. Hoffmann | 2011 | 2014 | Margaret R. Roberts | | 2014 |
| Tamson M. Ely | 2012 | 2015 | Nonny Burack | | 2014 |
| Jonathan McCabe | 2013 | 2016 | Patricia G. Holland | | 2015 |
| Robert Pam | 2013 | 2016 | Mary Streeter | | 2014 |
| <u>Moderator</u> | | | Tracylee SG Boutilier | | 2015 |
| James W. Pistrang | 2013 | 2014 | Melissa H. Perot | | 2014 |
| | | | Alan W. Powell | | 2015 |

+ Appointed by Governor

APPOINTED OFFICIALS

| | Term | | Term |
|---------------------------------|-------------|--------------------------------|---------------------|
| Amherst Cultural Council | | Audit Committee | |
| Courtney Campbell | 2013-16 | Katherine Appy | School |
| Honore' David, Co-Chair | 2011-14 | Bryan Harvey | Appointee 1998—2013 |
| Lynda Faye | 2013-16 | Rober Pam | Library |
| Gretchen Fox | 2011-14 | Diana Stein | Select Board |
| Arnold Friedmann | 2010-16 | | |
| Ellen Kosmer | 2011-14 | Board of Health | |
| Rachel Mustin | 2012-15 | David Ahlfeld, Chair | 2007-14 |
| James Scott | 2012-14 | Diane Amsterdam | 2013-16 |
| Joan Temkin | 2011-14 | Nancy Gilbert | 2007-16 |
| | | Julie Marcus | 2012-15 |
| ACTV Board of Directors | | CDBG Advisory | |
| Issac BenEzra | 2005-13 | Nancy Gregg | 2011-14 |
| | | Edward Harvey | 2011-14 |
| Agricultural Commission | | Mary Jane Laus | 2011-14 |
| Bernard Brennan | 2012-14 | Jana McClure | 2011-15 |
| Touria Eaton | 2009-16 | Greg Schwartz | 2011-14 |
| Rebecca Fricke | 2013-15 | Clause Tellier | 2011-14 |
| Abby Getman | 2013-15 | | |
| William Levine, Chair | 2009-14 | Council on Aging | |
| Joseph Swartz | 2010-16 | Daniel Clapp, Chair | 2006-15 |
| JohnThibbitts | 2013-15 | Susan Dierks | 2011-14 |
| Jaime Tidlund Wagner | 2007-16 | Joan Golowich, Vice Chair | 2008-14 |
| Veronica Wagner | 2012-15 | Joel Gordon | 2008-16 |
| | | Mary Jane Laus | 2009-15 |
| ARSD Planning Committee | | John Magarian | 2013-16 |
| Katherine Appy | 2011-14 | Barbara Sutherland | 2004-15 |
| Alisa Brewer | 2011-14 | Juana Trujillo | 2008-14 |
| Andrew Steinberg | 2011-14 | John Wollensak | 2010-16 |
| Public Art Commission | | Conservation Commission | |
| Eric Broudy | 2013-16 | Harvey Allen | 2006-15 |
| Rosario Gaddier | 2010-16 | Briony Angus, Chair | 2008-15 |
| Margaret Hankinson | 2009-15 | Paris Boice | 2011-14 |
| Bonnie Isman | 2011-14 | Lindsey Britt | 2011-14 |
| Rene Theberge, Chair | 2012-15 | Robert Brooks | 2013-14 |
| | | Chrisitiane Meyer Healey | 2012-16 |
| Board of Assessors | | Todd Walker | 2009-15 |
| John Kick | 2011-14 | | |
| Carl Mailler, Chair | 2009-16 | | |
| Jeffrey Morgan | 2013-15 | | |

Community Preservation Act Committee

| | | |
|-------------------|--------------|---------|
| Sandra Anderson | Planning | 2010-14 |
| Marilyn Blaustein | At Large | 2011-14 |
| Paris Boice | Conservation | 2011-15 |
| James Brissette | LSSE | 2013-14 |
| Peter Jessop | Housing | 2001-14 |
| Ellen Kosmer | At Large | 2008-15 |
| James Oldham M | At Large | 2013-15 |
| Mary Streeter | At Large | 2007-16 |

Disability Access Advisory Committee

| | | |
|---------------------|--|---------|
| Irene Barrelet | | 2008-16 |
| Seren Derin | | 1991-14 |
| Victoria Dixon | | 2011-14 |
| Katarina Hallonblad | | 2013-14 |
| Joseph Tringali | | 2013-16 |
| Gerald Weiss, Chair | | 2010-14 |

Dickinson Local Historic District -

| | | |
|---------------------------|--|---------|
| Thomas Ehrgood, Chair | | 2012-15 |
| Naomi Elliott | | 2012-14 |
| Anita Licis-Ribak | | 2012-14 |
| Murray Schwartz | | 2012-15 |
| Philip Shaver, Vice Chair | | 2012-16 |

Design Review Board

| | | |
|-----------------|------------|---------|
| Kathleen Ford | Planning | 2012-14 |
| Michael Hanke | Historical | 2010-15 |
| Edward Harvey | At Large | 2013-16 |
| Derek Noble | Architect | 2010-16 |
| Jonathan Salvon | Architect | 2008-14 |

Finance Committee

| | | |
|-------------------|--|---------|
| Kay Moran | | 2013-16 |
| Janice Ratner | | 2013-16 |
| Anurag Sharma | | 2011-15 |
| Douglas Slaughter | | 2006-15 |
| Andrew Steinberg | | 2006-14 |
| Sarah Swartz | | 2013-14 |
| Marylou Theilman | | 2008-14 |

Historical Commission

| | | |
|----------------------|--|---------|
| Matthew Cornell | | 2011-14 |
| Lynda Faye | | 2010-16 |
| Michael Hanke, Chair | | 2006-15 |
| Laura Lovett | | 2012-16 |

Historical Commission continued

| | |
|------------------|---------|
| Judith Moran | 2012-15 |
| Margaret Vickery | 2012-14 |

Housing and Sheltering Committee

| | |
|-------------------------|---------|
| Andrea Battle | 2012-14 |
| Aaron Blodgett | 2012-15 |
| Nancy Gregg, Co-Chair | 2012-14 |
| John Hornik | 2012-14 |
| Thomas Kegelman | 2013-16 |
| Denise LeDuc | 2012-15 |
| Greg Stutsman, Co-Chair | 2012-15 |

Human Rights Commission

| | |
|-----------------------|---------|
| Kathleen Anderson | 2006-15 |
| Ingrid Askew | 2012-14 |
| Gregory Bascom, Chair | 2011-16 |
| Liam Brodigan | 2012-15 |
| Sidonio Ferreira | 2013-16 |
| Emily Jung | 2012-15 |
| Damon Mallory | 2013-16 |
| Lois Raj | 2006-15 |
| Carol Ross | 2012-14 |

Hampshire Regional Emergency Planning

| | |
|---------------------------|---------|
| Denise Baberet | 2007-15 |
| Katherine Vorwerk Feldman | 2010-15 |

Kanegasaki Sister City Committee

| | |
|-------------------------|---------|
| Denise Boyd | 2013-16 |
| Florence Boynton | 2000-14 |
| Eli Cohen | 2011-14 |
| Aaron Kropf | 2009-15 |
| Helen MacMellon | 2013-16 |
| Kathleen Woods Masalski | 1994-15 |
| Nancy Pagano | 2013-16 |
| William Stenzel | 2012-15 |
| Tina Swift | 2012-15 |

La Paz Centro, Nicaragua Sister City Committee

| | |
|------------------------|---------|
| Liz Etheridge | 2010-16 |
| Victoria Feyre Febonio | 2012-15 |
| Olivia Feyre Febonio | 2012-15 |
| Charles Milch | 2004-16 |
| Nancy Milch | 2004-16 |

La Paz Centro continued

| | |
|----------------------|---------|
| Walter Mullin | 2006-15 |
| Kathleen Mullin | 2006-15 |
| Mary Santiago | 2012-15 |
| Anne Stanek | 2004-16 |
| Edward Stanek, Chair | 2004-16 |
| Lydia Vernon-Jones | 2010-16 |
| Carol Wood | 2010-16 |

Leisure Services & Supplemental Education

| | |
|---------------------|---------|
| Alan Bonneau | 2009-15 |
| James Brissette | 2012-14 |
| Jon Foster | 2012-14 |
| Maryanna Whittemore | 2010-15 |
| Anna-Beth Winograd | 2010-15 |
| Stan Zioemk, Chair | 2001-14 |

Munson Memorial Building Trustees

| | |
|------------------|---------|
| Johannes Bronger | 2003-16 |
| John Kick | 2011-14 |
| Janice Ratner | 2012-15 |

Norwottuck Rail Trail Advisory Committee

| | |
|-------------------|---------|
| Robert Kusner | 2007-16 |
| Frances VanTreese | 2007-16 |

Nyeri, Kenya Sister City Committee

| | |
|------------------|---------|
| Anne Awad | 2008-14 |
| Florence Boynton | 2008-14 |
| Julie Jones | 2007-16 |
| Vincent O'Connor | 2009-15 |

Personnel Board

| | |
|----------------------------------|---------|
| Ronald Bell | 2011-16 |
| D. Anthony Butterfield, Chair | 2006-15 |
| Christopher Hoffmann Lib Trustee | 2008-14 |
| Charles Scherpa Employee | 2011-14 |
| Rebecca Woodland | 2013-16 |

Planning Board

| | |
|-----------------|---------|
| Sandra Anderson | 2010—14 |
| Bruce Carson | 2008-14 |
| Robert Crowner | 2009-15 |
| Kathleen Ford | 2012-14 |
| Connie Kruger | 2011-16 |
| Richard Roznoy | 2009-15 |

Planning Board continued

| | |
|---------------------|---------|
| Stephen Schreiber | 2009-15 |
| Greg Stutsman | 2013-16 |
| David Webber, Chair | 2009-16 |

Public Works Committee

| | |
|-----------------------|---------|
| Richard Fein | 2012-15 |
| Christine Gray-Mullen | 2010-16 |
| Charles Moran | 2006-15 |
| William Mullin | 2012-15 |
| Donald Wise | 2013-16 |

Pioneer Valley Planning Commission

| | |
|-------------------|---------|
| Stephen Schreiber | 2010-15 |
|-------------------|---------|

Recycling & Refuse Management

| | |
|------------------------|---------|
| Arnold Alper | 2013-16 |
| Brenda Davies | 2011-14 |
| Laurel Dickey | 2011-16 |
| Christina Cox Fernades | 2011-14 |
| Craig Goff | 2013-15 |
| Susan Morrello | 2011-14 |
| John Root | 2012-15 |

Registrar of Voters

| | |
|-----------------------------|---------|
| Sandra Burgess (Town Clerk) | |
| Joyce Crouch | 2008-14 |
| Susan Lowenstein | 2012-15 |
| Roger Webb | 2011-13 |

Public Shade Tree Committee

| | |
|-------------------------|---------|
| Nonny Burack | 2011-16 |
| Hope Crolus | 2007-14 |
| Robert Erwin | 2004-14 |
| Nancy Higgins | 2011-15 |
| Michael Hutton-Woodland | 2012-15 |
| Henry Lappen | 2011-14 |
| Linzy Rodrigues | 2011-14 |

Town/Commercial Relations Committee

| | |
|------------------------|---------|
| Leslie Arriola | 2006-15 |
| Tony Maroulis | 2008-14 |
| Mark Parent, Chair | 2002-14 |
| Barry Roberts | 1999-15 |
| Nina Wishengrad, Chair | 2008-14 |

Transportation Plan Task Force

| | |
|-----------------------|---------|
| Sanjay Arwade | 2011-14 |
| Robert Crouner | 2012-14 |
| Richard Fein | 2012-14 |
| Christine Gray-Mullen | 2012-14 |
| Charles Moran | 2012-14 |
| Richard Roznoy | 2012-14 |
| Eve Vogel | 2012-14 |

Public Transportation & Bicycle Committee

| | |
|----------------------|---------|
| Sanjay Arwade | 2011-14 |
| John Bamberger | 2009-16 |
| Richard Fein | 2009-16 |
| Dorie Goldman, Chair | 2011-14 |
| Karen Kowles | 2006-16 |
| Frances VanTreese | 2007-16 |
| Eve Vogel | 2010-16 |

Water Supply Protection Committee

| | |
|---------------------|---------|
| Steve Dunn | 2007-16 |
| Rebecca Fricke | 2013-16 |
| Stephen Mabee | 2007-15 |
| Jesse Schwalbaum | 2007-15 |
| John Tobiason | 2007-16 |
| Lyons Witten, Chair | 2007-15 |
| Brian Yellen | 2012-14 |

Zoning Board of Appeals

| | | |
|------------------|-----------|---------|
| Eric Beal, Chair | Full | 2008-14 |
| Thomas Ehrgood | Full | 2009-15 |
| Yuri Friman | Associate | 2012-14 |
| Carolyn Holstein | Associate | 2011-14 |
| Keith Langsdale | Associate | 2010-14 |
| Mark Parent | Full | 2009-16 |
| Pari Riahi | Associate | 2013-14 |

SELECT BOARD

Fiscal Year 2013

This fiscal year saw the standard collection of annual and predictable responsibilities for the Select Board, along with a few new ones. We approved licenses, offered recommendations on Town Meeting warrant articles, provided budget policy guidelines, acted as liaisons to many committees, attended community events, addressed citizen concerns and so much more. Overall, it was a productive and undramatic year. Noteworthy elements are detailed herein.

Town Manager/Town Management Issues

Performance Evaluation and Contract: Over the first couple months of FY 13, the Select Board engaged in its annual performance evaluation of the Town Manager for the previous fiscal year. Following another positive evaluation that identified many strengths and a few areas that would benefit from more attention, the Select Board approved a 1.5% pay increase for Mr. Musante, making his salary \$142,100 as of October 1, 2012. Additionally, the renewal term – whereby his employment contract automatically renews for a specified number of years each October 1st unless the Select Board takes action otherwise – was changed to five years from three years; and the annual reimbursement cap for his long-term disability insurance was increased to \$3,000 from \$2,300, to cover anticipated periodic rate increases.

Key Town Management Issues with Select Board Participation

Solar Power Purchasing Agreement: The Select Board expressed strong support for the Power Purchasing Agreement that had been negotiated over the course of a year by the Town with Blue Wave and Smart Energy Capital for the planned solar installation at the Old Landfill. In our review, we found that the agreement serves and protects Town interests and thoroughly addressed community concerns expressed at the Annual Town Meeting in 2011. This agreement was subsequently signed by the Town Manager.

Winter Homeless Shelter Expansion: When requests were brought to the Town to expand the capacity of the winter shelter to 24 beds from 16, there were a number of health and safety code issues that needed to be considered. The Select Board expressed its strong support for the shelter to be allowed to expand to accommodate as many guests as would be practical and safe to do so, and if the proposed expansion were to be denied, we requested detailed information justifying the denial. Ultimately, it was determined that the shelter space could safely accommodate an increase of 6 beds, for a total of 22, and that expansion has proved to be successful.

Human Resources Audit: A long-standing request by the Select Board for an assessment of the Town's Human Resources situation and ability to support Town employees was addressed with the hiring of Deb Radway as the new Human Resources Director. At the Town Manager's direction, she conducted an audit of the Town's H.R. capacity, services and needs, and presented that to the Select Board in December. We received that with much appreciation and expressed our desire to be kept apprised of the progress in implementing its recommended action steps.

Budget Accommodation of Community Priorities: At the beginning of FY 13 (July 2012,) the refurbished and reconstructed War Memorial Pool reopened, after being closed for several years. In spring of 2011, Town Meeting expressed strong desire for this to happen and the Select Board made that a top budget priority for the Town Manager that fall. At the end of FY 13 (May 2013,) Town Meeting supported the Town Manager's FY 14 budget recommendations for providing funding to local human service agencies as a transition plan is created to deal with loss of Community Development Block Grant (CDBG) "mini-entitlement" status. The Select Board had made addressing the anticipated loss or reduction of these funds a top priority of the FY 14 budget.

Town-Gown and Off-Campus Behavior Issues

Select Board Coffee Hour with UMass Student Leaders: In October, the Select Board held its 4th annual Coffee Hour with student leaders and the administrators who work closely with them. The event brings together Town officials and staff with UMass representatives to enhance communication and strengthen relationships.

Rental Permitting Bylaw: The Select Board, via the Chair, was represented on the Safe and Healthy Neighborhoods Working Group, a body made up of diverse stakeholders in the issues associated with students living off campus. The Working Group drafted a bylaw proposal codifying the compliance expectations for a variety of health and building codes and local bylaws pertaining to rental properties, in order to increase clarity and accountability for all. Included is the requirement that all rental properties, with a few exceptions, acquire a permit which can be suspended in instances of egregious non-compliance and non-cooperation with enforcement officials. The Select Board gave strong support to the proposal and Town Meeting approved its adoption as a new General Bylaw, to take effect January 1st, 2014.

Pre-St. Patrick's Day Disturbances: After a year or two of escalating impacts by large crowds of inebriated college students downtown starting in the early morning of the Saturday before St. Patrick's Day, Town officials, including the Select Board Chair, met with owners of Stacker's and McMurphy's, the two primary bars promoting this as an annual "Blarney Blowout" event. New arrangements – including ticket sales for specific entry times and prohibitions against lining up well in advance of those times – resulted in dramatic improvements downtown, and were deemed very successful. However, either as a result of these changes or coincident to them, rowdy crowds congregated in other parts of town, with a particularly unruly gathering at Townehouse apartments in North Amherst. Meetings between the Town and the University in the wake of that disturbance did result in increased public safety support from the University for the remainder of the semester.

Licensing

Hess Express: In July 2012, the Hess Express gas station and mini-mart on West Street applied for an off-premise wine and malt sales license, which was rejected by unanimous vote of the Select Board. This followed a similar application from the Cumberland Farms gas station and mini-mart on College Street a couple of months prior (FY 12), which was also rejected by unanimous vote. A recent change to State law enabled chain stores to increase their

number of such licenses held across the Commonwealth, but both applications were judged to be not serving a public need in those locations, and were inconsistent with the community efforts to discourage excessive drinking and its many impacts. Hess Express had the option to appeal the Select Board's decision to the Massachusetts Alcoholic Beverages Control Commission (ABCC) but did not do so.

Taxis: With the renewal of Taxi Business Licenses for calendar year 2012, it was announced that new Taxi Business regulations would be promulgated beginning January of 2013 and would include the requirement that all taxis have fare meters installed. This was intended to address safety concerns and enforcement challenges caused by taxi business operators utilizing different vehicles than those identified on their business licenses, not complying with their own fare structures, and so forth. This and other updates to the Taxi Business regulations have been in effect since January, with the Select Board receiving a progress report in June. There has been a reduction in the number of taxi companies doing business in Amherst as well as a reduction in the number of registered taxi vehicles, an increase in the professionalism and accountability of the remaining and new taxi operations, and improved enforcement abilities by the Town, increasing overall taxi safety for all. As of June, no complaints related to the new regulations had been received.

Lunch Cart/Food Truck Regulations: As food trucks have been a popular trend across the country, with some interest in Amherst, there was a desire to upgrade our vague and unstructured regulation of this sector, which we license as "Lunch Carts." The Chair worked with Chamber of Commerce Director Tony Maroulis and Business Improvement District (BID) Director Alex Krogh-Grabbe to draft regulations that balanced the concerns of the business community with the desire to increase the vitality of downtown and have Amherst enjoy the "street food" scene. Comment was sought from existing license holders, regulatory and enforcement officials, local businesses and the general public. New regulations were approved by the Select Board in April, specifying several locations for on-street vendors, of which they can move among freely; and several locations for on-sidewalk vendors, whose specific sites must be approved by the Select Board. There are limits on the number of licenses that can be issued per calendar year (six for on-street carts, four for on-sidewalk carts,) with the understanding that we can revisit and revise the regulations at any time it deems necessary, with appropriate notice as specified therein. A six-month review of the regulations was recommended with the approval vote.

Public Way Issues

Parking: In August, the Select Board held a public hearing to consider a number of changes to the downtown parking regulations. We approved the following: eliminating the Sunday garage/CVS lot fee (formalizing what had been an unannounced/unapproved policy change since the new pay-by-space machines were installed); altering the parking rates and number of spaces for reserved spaces in the lower portion of the Boltwood garage and the CVS lot; creating new and altered commercial loading zones; creating new Taxi stands; creating new 15-minute free parking spaces; and creating new Town Center Permit areas on Gaylord and Spring Streets.

Flying Commemorative Flags on September 11th: The Select Board again took up consideration of the policy to fly the commemorative flags on that date every 5th year, based on a citizen request. Discussion made clear that factors and conditions had not changed such that a revised policy would be supported, thus reaffirming the standing compromise policy. The promotion of misleading and erroneous information about the policy generated a large amount of angry e-mails, the vast majority of which were not local. The Chair responded to nearly every e-mail received, and it was interesting to see that many people apologized for their angry tone and accusations after they were made aware of the accurate information.

Street Closure – Downtown Block Party: The Business Improvement District (BID) organized a community block party for mid-September, aimed at bringing together students and families for a festive evening of music, entertainment, food and fun downtown. After careful coordination by the BID with the Amherst Police, Fire and Public Works departments, as well as UMass Transit and others, a plan was developed to close North Pleasant and East Pleasant streets from the Amity/Main intersection to the Triangle St. intersection from late afternoon until late evening, and this closure was approved by the Select Board. The event was a big success and is planned to be repeated annually.

Expansion of Saturday Farmers Market: The Select Board approved parking and street closure requests on Boltwood Avenue to enable the expansion of the Saturday Farmers Market, held April to November in the Spring St. parking lot. Responding to long-time interest in making space available for more Amherst farmers to participate, Town staff, the Agricultural Commission and Market organizers came up with a plan that was mutually acceptable to the Lord Jeffery Inn and the Grace Church to add a section of Boltwood Ave. to the market area to enable more vendor space. The Select Board appreciated that this issue, which has been brought to our attention many times, was worked out successfully and we were happy to be able to help via our public way authority.

Assorted Issues Under the Select Board's Authority

- Filled a vacancy on the Library Trustees in an election held as a joint meeting of both bodies in September; Robert Pam was elected to replace Emily Lewis, who resigned when she moved out of town. Clarified with Town Counsel that the Select Board has the ability to fill such vacancies, per MGL Ch. 41 section 11, but that it is not obliged to fill them; they can be left open until the next Town election.
- Established a 7:00 p.m. start time for Town Meeting, rather than the traditional 7:30 start. This was piloted at the Special Town Meeting in November of 2012, and having been deemed a success, it was repeated at the Annual Town Meeting in the spring of 2013.
- Authorized an intermunicipal agreement for providing property assessment services to the Town of Pelham.

- Sent sympathy letters to the Town leadership in Newtown, Connecticut following their horrific school shooting in December, and to the Mayor of Boston, following the bombings at the marathon.
- Approved FY14 water and sewer rates, in our role as Water and Sewer Commissioners: we announced and approved in January that water rates would remain unchanged at \$3.40 per 100 cubic feet, and sewer rates would increase by 10 cents to \$3.55 per 100 cubic feet, to take effect in July.
- Marked completion of the Town flag creation process, with a formal presentation ceremony in April thanking the Rotary Club and the Chamber of Commerce for their funding assistance, and made plans to deliver the extra-large double-sided version to the State House for display in the Hall of Flags in July.
- Proclaimed Stan Ziomek Day in April, in honor of his many years of professional and volunteer work on behalf of the Town of Amherst, on the occasion of a dinner being held in his honor as a fundraiser for the Amherst baseball program.
- Voted to establish the Local Historic District Study Committee for the Lincoln-Sunset area.
- Hosted a Coffee Hour to honor long-time Town Moderator Harrison Gregg, who was not running for re-election to that position.
- Voted to adopt Amherst's Housing Production Plan.
- Attended services marking the passing of long-time Town Manager Allen Torre and Select Board member Edith Wilkinson, both of whom filled other and varied roles in their lengthy service to the Town.
- Appreciated the tremendous assistance and support we received from the office staff again this year: Debra Roussel, Debbie Gordon (who transferred to the Fire Department) and Jennifer Moyston did great work that enabled us to do our work. Many thanks for all of their help!

Composition of the Select Board

At the Annual Town Election, Alisa Brewer and Jim Wald ran unopposed for re-election. In the Select Board's annual reorganization vote, Stephanie O'Keeffe was re-elected as Chair, Aaron Hayden was re-elected as Clerk, and the body voted to continue the practice of rotating the Vice Chair position alphabetically by last name each month. With Diana Stein's continued service, there was no change to the Select Board's composition again this year.

It has been an honor and a privilege for all of us to serve Amherst in this capacity for another year.

Respectfully submitted by:

Stephanie O'Keeffe, Chair

TOWN MANAGER

Fiscal Year 2013

I preface my report once again by acknowledging that the progress we are making is largely the result of the tremendous skill, dedication, and work ethic each and every Town employee brings to their everyday work in our collective efforts to be leaders in everything we do. I do not think I am exaggerating when I say that the overall caliber of Town employees at all levels is as good as it has ever been in the modern history of the Town. This is a continuing source of pride to me as their Town Manager.

Listed below are what I believe are the key highlights and accomplishments over the past year, fully cognizant of the fact that many of these would not have been achieved without the skill and dedication of the Town staff, the ongoing support and encouragement of the Select Board, and the input from and support of Town Meeting members, the hundreds of community volunteers on Town boards and committees, and the community at large.

- The Town's financial planning represents an ongoing commitment to fiscal sustainability in a multi-year context. Town services are being maintained and we are making adjustments to deliver services more efficiently and effectively to produce excellent public services for the Town's residents. It is possible to maintain services because of the work we have done over the year to control health insurance, employee compensation, and energy costs.
- In July 2012, the Town achieved designation as a Green Community by the Commonwealth of Massachusetts, giving us access to grant funding to support energy savings initiatives. We were awarded our first state grant under this program, for \$302,000, for installation of LED energy-efficient streetlights.
- The successful transfer of over 200 retired school employees from the state GIC health insurance plans to the Town's self-insured health plans was completed effective October 1 and is resulting in monthly savings to most retirees and savings of over \$100,000 annually to the Amherst-Pelham Regional School District and Amherst Public Schools.
- A reorganized Inspection Services Department, with new leadership provided by my hiring in 2012 of Building Commissioner Rob Morra, improved joint inspection procedures with the Health and Fire Departments, increased efficiency within Inspection Services resulting in staff availability and quick permit issuance, and now regularly communicates with all Conservation and Development staff to provide a clear and concise permitting path to all applicants.
- Zoning and land use changes designed to encourage in-fill development in existing village centers were adopted at the 2013 Annual Town Meeting (Articles 30 - 36) that inspired a June 12 Amherst Bulletin editorial titled "Town Meeting Breaks Logjam on Creative Zoning."
- Town IT staff designed and installed the largest and fastest open downtown outdoor WiFi network in Massachusetts using an in-house custom-built solution at half the cost of the largest leading company's much less robust solutions.
- In January, the Massachusetts Municipal Association (MMA) selected the Town's website www.amherstma.gov as one of only six municipal websites in the Commonwealth to receive its annual Municipal Website Award. Our award-winning website is one of the clearest examples of the progress we are making on our Open Government to the Max

initiative. I am proud of the simplicity, the many unique and forward-thinking features, and the functionality offered by the Town website to both visitors and residents. The site achieved another significant growth year for unique daily visitors, an 18% increase over last year.

- A top priority established by the Select Board for my attention was to take steps to make real progress in what I have called our Safe & Healthy Neighborhoods Initiative. This resulted in the adoption of a rental regulations and permitting system at the Annual Town Meeting.
- Joint police patrols were started in fall 2012 with the UMass Police Department in neighborhoods near the university with particular attention to the Fearing and Phillips streets neighborhood and the North Amherst area. The two departments are also seeking to collaborate more fully on officer training. I convinced UMass to fund two additional detail ambulances on Thursday, Friday, and Saturday nights from 9 pm – 7 am for the seven busiest spring weekends in April – May to make sure there were a sufficient number of ambulances available to meet the entire Town's needs.
- An audit of existing Human Resources policies and practices engaged staff in all departments. It identified a need to develop and implement standard Town-wide processes for recruitment, orientation, exit, performance management and professional development. The key points identified will serve as a roadmap for further improvements in our human resources function over the next two years.
- I am actively working with staff, the Town's Housing and Sheltering Committee, the Amherst Housing Authority, and the Massachusetts Housing Partnership to investigate options to preserve affordability at Rolling Green, a 204-unit development on Belchertown Road, and the nearby 24-unit Echo Village Apartments. I have met with the owners of both properties and they have committed to participate in this exploration of options and possibly negotiate if/when appropriate.
- A Housing Production Plan focused on affordable housing needs (completed) and a Housing Market Needs Study (draft report received and presented to the community) are efforts to develop a data-driven approach to meet our affordable housing, rental (family and student), and other housing needs by engaging the Amherst community and drawing upon the expertise of other communities' experiences.
- Rehabilitation and reopening of the War Memorial Pool at Community Field was made possible last July with the help of a \$208,000 state grant and unanimous vote for funding by Town Meeting.
- This spring we have launched an ambitious plan headed by our Massachusetts State Tree Warden of the Year Alan Snow to plant 2,000 trees over three years to reduce pollution, beautify our community, and reverse a twenty-plus year trend of net loss of hundreds of street trees.

Respectfully submitted,

John Musante
Town Manager

BOARD OF ASSESSORS AND ASSESSORS OFFICE
Fiscal Year 2013

The members of the Board of Assessor's for Fiscal Year 2013 were, Donald Wise, Marilyn Blaustein and Carl Mailler.

FY 13 was an interim year for the Town of Amherst and values were approved by the Department of Revenue at the end of November 2012. In general values stayed the same. There were no significant value changes in FY 13.

The Board met on December 5th 2011 with the Select Board to discuss consideration of a split residential commercial rate and the possible adoption of the Residential Exemption. The Select Board must make a determination for each of these options each year. The Principal Assessor and the Board of Assessors provide information and recommendation regarding the annual determination. In FY 13 the Board Assessors recommended against the split rate because its adoption could further dampen the vitality of Amherst's business sector the Board also voted against the Residential Exemption.

FY 13 TAX RATE RECAPITULATION

| (A) Class | (B) Levy Percentage | (C) Levy by Class | (D) Valuation Class | (E) Tax Rate (C)-(D) X1000(A) |
|----------------|---------------------|-------------------|---------------------|-------------------------------------|
| Residential | 89.7548% | \$37,517,260.03 | \$1,839,983,064 | \$20.39 |
| Open Space | | | | |
| Commercial | 7.2508% | \$3,030,814.50 | \$148,642,836 | \$20.39 |
| Industrial | 0.2223% | \$92,920.79 | \$4,557,000 | \$20.39 |
| Personal Prop. | 2.7721% | \$1,158,730.19 | \$56,828,160 | \$20.39 |
| TOTAL | 100.00% | | \$2,050,011,060 | ***** |

BOARD OF ASSESSORS

Fiscal Year 2013

The Amherst Board of Assessors held 9 public meetings during FY 13. Board activities associated with these meetings are summarized in the following report. Details on the information in this report can be found in the minutes of the Board of Assessors meetings. The Board also had joint meetings with the Selectboard to discuss a potential residential exemption and the classification hearing.

REAL/PERSONAL PROPERTY TAX

Commitments/Warrants

The Board signed summary FY 13 property tax commitments and water/sewer warrants for the following:

| | |
|----------------------|------------------|
| Real Estate Tax | \$ 60,776,147.55 |
| CPA | 640,410.70 |
| Personal Property | 1,736,585.93 |
| Water Liens Interest | 10,117.71 |
| Water Liens | 95,815.72 |
| Sewer Liens | 85,375.32 |
| Sewer Liens Interest | 9,173.82 |

Personal Exemptions and Deferrals

The Board signed a form that was submitted to the Department of Revenue for partial reimbursement of FY 2013 personal exemptions. For FY 2012 there were a total of 113 personal exemptions and deferrals totaling \$118,931.28, as follows:

| | <u>#</u> | <u>Value</u> | | <u>#</u> | <u>Value</u> |
|------------|----------|--------------|------------|----------|--------------|
| Clause 17D | 6 | \$ 2,162.88 | Clause 37A | 11 | \$ 9,168.56 |
| Clause 18 | 0 | 0.00 | Clause 41C | 26 | 43,643.37 |
| Clause 22 | 54 | 51,173.57 | Clause 41A | 3 | 9,782.90 |
| Clause 50 | 6 | 3,000.00 | | | |

MOTOR VEHICLE EXCISE TAX

Abatements

The following total amounts of motor vehicle excise tax abatements for July 2012 through June 2013 were signed by the Board:

| | | | |
|------|----------|------|--------------|
| 2008 | \$ 38.13 | 2012 | \$ 44,620.31 |
| 2009 | 16.43 | 2013 | 179,073.28 |
| 2010 | 239.58 | | |
| 2011 | 1,868.33 | | |

Commitments/Warrants

Motor Vehicle excise tax commitments and warrants for the following yearly totals were signed by the Board:

| | | |
|------|----|--------------|
| 2011 | \$ | 190.00 |
| 2012 | | 172,109.45 |
| 2013 | | 1,594,061.79 |

SPECIAL MEETINGS

The Select Board is responsible for allocation of the tax rate (Minimum Residential Factor): whether or not to have a Residential Exemption, and other distributions of the tax burden within classes as allowed by the law. The required public meeting to discuss these issues was held on December 3, 2012 in the Town Hall. Board of Assessors' recommendations included not to have a split rate and not to exercise the Residential Exemption. The Select Board approved a single tax rate for all classes and no shifts of the tax burden within classes.

TAX RATE/ETC.

Board members signed the Tax Rate Recapitulation form for FY 13 on December 3, 2012, showing a tax rate of \$20.39. The rate was reviewed and approved by the Department of Revenue (DOR) on December 7, 2012.

Prepared from the Board meeting minutes.

For: Carl Mailler
Donald Wise
Marilyn Blaustein

Amherst Board of Assessors

TREASURER/COLLECTOR'S OFFICE

Fiscal Year 2013

All functions of Treasury, Billing, Collecting and Parking Administration are consolidated in one office area. This staff of six employees provides the personnel for the Central Service counter as well.

Earnings on investments remained very conservative in FY 13, \$74,670, due to very low interest rates. Certificate of Deposit and Money Market rates were consistently below 0.50% throughout the year. Earnings for each section of the full town budget are reported in the appropriate sections of the budget book, General Fund and Enterprise Funds.

Although low rates hurt when investing our funds, we also borrowed very affordably this year. Our bond issue in March of 2013 benefitted from this rate environment. We issued long term bonds to fund sewer extensions, road work, tree planting, a DPW truck, APD communications equipment and repairs to the Central Fire Station. The Town's long-term bond rating was confirmed to AA with a Stable outlook from Standard & Poor's, allowing the bond issue to go to the market at 1.82 TIC%.

The Treasurer's Office manages the tax titles for the Town. These are cases where the real estate tax delinquency is old enough that it is in the Town's best interest to place a lien on the parcel with the Hampshire County Registry of Deeds. Twelve new properties were in this stage of delinquency during FY 13, with tax balances due to the Town totaling \$17,073.61. There were eighteen properties removed from tax title processing during the year following payoff of the balances due. All payments totaled \$213,308.16. As of June 30, 2013, there were fifty five parcels remaining in this status with a balance of \$669,893.17 outstanding. Tax possessions totaled \$156,267.24 on June 30, 2013.

Clause 41A allows income-eligible elderly homeowners to defer payment of their real estate taxes until the owner or his/her estate sells the home. As of June 30, 2013, there were six properties with deferred taxes, amounting to \$126,427.19.

In FY 12, the Amherst Business Improvement District (BID) became a legal entity with a myriad of goals to improve Amherst's business community. The Treasurer/Collector's Office provided key support to the organization in issuing the bills and collecting the BID revenues. Through the end of FY 13, \$271,925 was collected and turned over to the BID to support the BID mission.

Billing and collections continues on throughout the year for the Town's taxes, transfer station, police outside detail, ambulance service, water and sewer utility, and parking violations. All amounts are summarized in the Collector's report of numbers on the following page. In the past year, this office implemented paperless billing of water/sewer utilities bills, expanding residents' options for receiving this information.

In October of 2012 the Investment Policy for prudent and appropriate management of all town funds was approved by the Finance Committee, and has been incorporated into the Treasurer's process and the Town's Financial Management Policies and Objectives (<http://www.amherstma.gov/DocumentCenter/Home/View/1553>, on the Finance Committee page of the Town's website). The Policy establishes guidelines for investment choices and metrics related to diversity, risk and yield. After a series of interviews comparing cost and services provided by investment advisors, Abbey Capital was confirmed as the best match for this role for our Stabilizations and Trusts in light of the Town's goals of safety, liquidity and yield.

Submitted by,

Claire McGinnis
Treasurer/Collector

Fiscal Year 2013 Collector Accounts Receivable

| TAX RATE | Beginning Balance JULY 1,2012 | Commitments | Less Abatements & Transfers | Transfers To Tax Title/ Deferred Tax | Less Collections | Uncollected Balance JUNE 30,2013 | % Collected (current levy) |
|------------------------------------|--------------------------------------|--------------------|--|---|-------------------------|---|-----------------------------------|
| REAL ESTATE | | | | | | | |
| FY07 15.68 | \$82 | | | | | \$82 | |
| FY08 16.02 | \$84 | | | | | 84 | |
| FY09 15.82 | \$63 | | | | | 63 | |
| FY10 16.95 | 3,189 | | | 3,130 | | 59 | |
| FY11 18.20 | 33,846 | | | 2,529 | 31,254 | 63 | |
| FY12 19.74 | 543,296 | 3,022 | 14,359 | 212,306 | 298,019 | 21,634 | |
| FY13 20.39 | | 40,647,628 | 7,763,642 | 5,783 | 32,267,126 | 611,077 | |
| | \$580,560 | \$40,650,650 | \$7,778,001 | \$223,748 | \$32,596,399 | \$633,062 | |
| OTHER REAL ESTATE TAX TYPES | | | | | | | |
| Supplemental Taxes | 1,334 | | | | \$1,329 | \$5 | |
| Rollback Taxes | 0 | 1,151 | | | 1,151 | 0 | |
| ProForma/ProRata | 1,719 | 12,703 | 24 | | 14,398 | 0 | |
| | \$3,053 | \$13,854 | \$24 | \$0 | \$16,878 | \$5 | |
| PERSONAL PROPERTY | | | | | | | |
| FY02 19.00 | \$197 | | | | | \$197 | |
| FY03 17.11 | \$148 | | | | | 148 | |
| FY04 17.40 | \$113 | | | | | 113 | |
| FY05 16.69 | \$83 | | | | | 83 | |
| FY06 15.06 | \$810 | | | | | 810 | |
| FY07 15.68 | \$1,146 | | | | 192 | 954 | |
| FY08 16.02 | \$1,444 | | | | | 1,444 | |
| FY09 15.82 | \$985 | | 41,814 | | (41,814) | 985 | |
| FY10 16.95 | \$951 | | | | | 951 | |
| FY11 18.20 | \$3,581 | | | | | 3,581 | |
| FY12 19.74 | \$5,790 | | | | 3,064 | 2,726 | |
| FY13 20.39 | | 1,236,985 | 80,872 | | 1,152,869 | 3,244 | |
| | \$15,248 | \$1,236,985 | \$122,686 | \$0 | \$1,114,311 | \$15,236 | |
| MOTOR VEHICLE EXCISE | | | | | | | |
| FY04 25.00 | \$16,832 | | | | 261 | 16,571 | |
| FY05 25.00 | \$18,663 | | | | 149 | 18,514 | |
| FY06 25.00 | \$16,173 | | | | 1,118 | 15,055 | |
| FY07 25.00 | \$31,063 | | | | 469 | 30,594 | |
| FY08 25.00 | \$13,356 | | 38 | | 1,303 | 12,015 | |
| FY09 25.00 | \$13,418 | | 16 | | 1,495 | 11,907 | |
| FY10 25.00 | \$15,719 | | 240 | | 2,385 | 13,094 | |
| FY11 25.00 | \$21,107 | 190 | 1,868 | | 5,175 | 14,254 | |
| FY12 25.00 | \$55,646 | 172,109 | 44,621 | | 156,469 | 26,665 | |
| FY13 25.00 | | 1,594,062 | 179,073 | | 1,318,346 | 96,643 | |
| | \$201,977 | \$1,766,361 | \$225,856 | \$0 | \$1,487,170 | \$255,312 | |
| WATER | | | | | | | |
| RATES | \$420,588 | 3,991,339.35 | \$26,378 | \$105,933 | \$3,834,578 | \$445,038 | |
| LIENS | \$11,738 | 95,816 | | 6,313 | 88,295 | 12,946 | |
| | \$432,326 | \$4,087,155 | \$26,378 | \$112,246 | \$3,922,873 | \$457,984 | |
| SEWER | | | | | | | |
| RATES | \$401,369 | 3,748,191.84 | 13,222.74 | 94,549.14 | 3,646,984.58 | 394,804 | |
| LIENS | \$10,595 | 85,375 | | 5,087 | 77,652 | 13,231 | |
| | \$411,964 | \$3,833,567 | \$13,223 | \$99,636 | \$3,724,637 | \$408,035 | |
| AMBULANCE | | | | | | | |
| Collected after abate | \$1,072,690 | \$3,463,573 | \$1,609,073 | | \$1,895,745 | \$1,031,445 | |
| | \$1,072,690 | \$3,463,573 | \$1,609,073 | \$0 | \$1,897,199 | \$1,031,445 | |
| COMM. LANDFILL REFUSE LIENS | | | | | | | |
| | \$28,510 | \$109,279 | \$18,121 | | \$105,220 | \$14,448 | |
| | \$0 | 230 | | | 230 | 0 | |
| | \$28,510 | \$109,509 | \$18,121 | \$0 | \$105,450 | \$14,448 | |
| PARKING FINES | | | | | | | |
| Collected after abate | \$382,760 | \$322,690 | \$77,806 | | \$264,478 | \$363,166 | |
| | \$382,760 | \$322,690 | \$77,806 | \$0 | \$265,118 | \$363,166 | |
| COMMUNITY PRESERVATION ACT | | | | | | | |
| FY11 | \$146 | | | | 146 | 0 | |
| FY12 | \$4,158 | 16 | 186 | 1,750 | 2,137 | 101 | |
| FY13 | | 427,997 | 2,296 | | 420,232 | 5,469 | |
| | \$4,304 | \$428,013 | \$2,482 | \$1,750 | \$422,515 | \$5,570 | |

Levies with zero balances will no longer be displayed in subsequent years.

Fiscal Year 2013 Treasurer's Cash Reconciliation

30-Jun-13

Accounting Cash by Fund:

| | |
|-------------------------|---------------|
| Cash | 33,137,993.80 |
| Certificates of Deposit | 6,300,000.00 |
| Deposit HCTF | 873,583.60 |
| Deposit SEC 125 | 1,000.00 |
| Petty Cash | 4,225.00 |
| | <hr/> |
| | 40,316,802.40 |

Treasurer's Cash by Fund

| | |
|------------|---------------|
| Cashbook | 39,437,993.80 |
| Petty Cash | <hr/> |
| | 878,808.60 |
| | 40,316,802.40 |

| | | <u>Net Adjustments</u> | <u>Adjusted Cash</u> |
|-----------------------|---------------|------------------------|----------------------|
| Total Resources/Acct. | 40,316,802.40 | | 40,316,802.40 |
| Total Resources/Treas | 40,316,802.40 | - | 40,316,802.40 |
| | | | <hr/> |
| | | | 0.00 |



Claire McCinnis, Treasurer/Collector

Date: 10-Sep-13

COMMUNITY PRESERVATION ACT COMMITTEE

Fiscal Year 2013

The Community Preservation Act (CPA) was adopted by Amherst voters in April 2001, which established a local fund based on a 1% tax surcharge (subsequently amended to 1.5%) on property valuations above \$100,000 *for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created.*" The law also established a State Trust Fund, from which annual allocations are made to towns that have accepted the Act, partially or fully matching local appropriations. This has allowed for a wide range of projects to be undertaken. Local allocations have been matched 25% by the state. The declines in the match for communities stem from the falling real estate market and a growth in the number of communities participating in the program, thus spreading the funds out over a larger base.

The Community Preservation Act Committee (CPAC) is charged with assessing the needs of the Town in those areas identified by the Act, and recommending relevant expenditures to Town Meeting. By state law, CPA funds are to be spent only on community housing, historic preservation, open space, and recreation. A minimum of 10% of the available funds (from the surcharge and the state match) must be set aside each year (although not necessarily spent) for each of three categories of community housing, historical preservation, and open space. Recreation is the fourth recipient, or beneficiary, but is not mandated to receive the minimum 10%.

In allocating the Community Preservation Act 1.5% surcharge and 25% matching state funds the Community Preservation Act Committee (CPAC) committed to:

- a) Advancing projects currently underway
- b) Projects broadly supported across committees and Town departments, or
- c) Meeting ongoing legal obligations.

Under the Community Preservation Act cities and towns are required to spend 10% of collected funds on each of the three following categories:

- Affordable Housing creation and support
- Historic Building and Landscape acquisition and preservation
- Open Space acquisition and preservation.

The remaining 70% may be directed toward any of the above three categories or for land used as Recreation Space.

FINANCIAL REVIEW

| | |
|--|----------------------|
| Beginning Fund Balance July 1, 2012 | \$ 303,914.00 |
| Current Year Tax Surcharge at 1.5% | \$ 424,114.16 |
| State Reimbursement at 25% | \$ 109,990.00 |
| Other | \$ 3,083.70 |
| Appropriations for Fiscal Year 2013 | \$ (684,333.00) |
| Ending Fund Balance June 30, 2013 | \$ 156,768.86 |

| FY2013 APPROPRIATED BY CATEGORY | Community Housing | Historical Preservation | Open Space | Recreation | Admin. Other | Total Appropriation |
|---|------------------------------|------------------------------------|-----------------------|---------------------|-------------------------|--------------------------------|
| Project | | | | | | |
| Habitat for Humanity (Belchertown Road water/sewer hook up) | \$ 20,000.00 | | | | | |
| HAP Olympia Oaks Project General Construction | \$ 250,000.00 | | | | | |
| West Cemetery Fencing for Dickinson plot | | \$ 40,000.00 | | | | |
| Amherst Historical Society Roof Repair | | \$ 25,000.00 | | | | |
| Amherst Historical Society Database | | \$ 22,000.00 | | | | |
| Open Space Surveys and appraisals | | | \$ 25,000.00 | | | |
| North Amherst Community Farm (Nickerson Property) | | | \$ 25,000.00 | | | |
| Ricci Property Bay Road | | | \$ 151,500.00 | | | |
| CPAC - Administration | | | | | \$ 2,000.00 | |
| Debt Service/Plum brook | | | | \$ 34,215.00 | | |
| Debt Service/Town Hall Renovations | | \$ 27,618.00 | | | | |
| Debt Service/Hawthorne Property | \$ 26,660.00 | | | \$ 35,340.00 | | |
| Debt Service/Amherst Housing Authority | \$ - | | | | | |
| North Common Restoration (total project 158,672 -143,672 debt & 15,000 cash) Was contingent on Grant funding that did not get approved. | | | | | | |
| Total Appropriated for FY13 | \$ 296,660.00 | \$ 114,618.00 | \$ 201,500.00 | \$ 69,555.00 | \$ 2,000.00 | \$ 684,333.00 |

CPAC members at the time the recommendations for FY 13 were voted:

| | |
|-------------------------|-------------------------|
| Peter Jessop (Chair) | Housing Authority |
| Mary Streeter (V Chair) | at Large |
| Ellen Kosmer | at Large |
| Stanley Ziomek | LSSE |
| Sandra Anderson | Planning Board |
| Linda Faye | Historical Commission |
| Marilyn Blaustein | at Large |
| Paris Boice | Conservation Commission |
| Michael Jacques | at Large |

AMHERST COUNCIL ON AGING

Fiscal Year 2013

MEMBERSHIP CHANGE

No Changes in FY 13: Dan Clapp, Mary Jane Laus and Barbara Sutherland were reappointed for three-year terms.

FY 13 HIGHLIGHTS

- The senior parking program, a pilot program from August-December 2012, benefitted from many volunteers and regular program participants. As a result of its success the parking program continues. Seniors 65 and older who reside in Amherst can purchase a sticker for \$25 for the calendar year which allows them to park in the Boltwood lot or on one side of the Ann Whalen lot on weekdays between 8 AM and 5 PM for up to four hours. A total of 107 stickers were sold for the 2013 calendar year.
- The Convalescent Equipment Closet, which was renovated in 2012, now has a volunteer Physical Therapist, Jeanne Ammon, who is available and can identify specialty equipment or prescription requirements for special problems. Jeanne can help to fit the items to the elders. A spreadsheet was created to keep track of equipment in short supply.
- New staff member Helen MacMellon joined us as part time Social Worker. Helen is a valuable asset as she assists Maura Plante in the ever-increasing needs of elders in our community. Sandra Beighley also joined us in August as the new Lunch Site Director for the Highland Valley Elder Services lunchtime congregate and meal delivery program.
- The Annual Volunteer Awards Program was held in October. Jack Wollensak and John Magarian were honored as exceptional volunteers. Each received the Eveline Sears Award.
- The Massachusetts Council on Aging held its annual conference in October 2012 in Falmouth. Four members of the Amherst COA were able to attend the educational and inspirational meetings and report back.
- An “At Risk Data Base”, which includes seniors who may need help in the event of a major storm or power outage, was prepared by the staff. The goal is to be able to contact and help elders who may need food, warmth, assistance with medications, social contact or evacuation in an emergency. About 100 people are on the ‘at risk’ list because of health issues, disabilities or advanced age.
- A seven-passenger van was purchased in November. It is used for transporting seniors, picking up supplies, delivering meals, giving emergency rides to elders and transporting small groups to meetings. The van belongs to the Town, has a Town seal on the side and is parked in the Boltwood garage.
- The Long-Range Planning Committee met with Town Manager in September and demonstrated the need for a new senior center or expanded and improved space in Bangs. In months following that meeting, the committee members visited the new Survival Center, the new Holyoke Senior Center, the new Northampton Senior Center and the Chicopee Senior Center. They met with the directors of those facilities to learn about fundraising and the process involved in building a new senior center.
- The Friends of the Amherst Senior Center held the Fourth Annual Amherst Follies, a fundraising variety show, at Buckley Recital Hall on Amherst College campus, raising \$2,300. Other fundraising activities included bake sales, a dinner at Bertucci’s Restaurant and the solicitation envelope that was included in the Town Clerk annual census mailing.

COA member, Joel Gordon, designed and created styluses for iPad and Smart phone users. He donated proceeds of over \$1,000 to the Friends from the sale of the styluses. The Friends raised a total of over \$22,200 for the Amherst Senior Center in FY 13.

- Senior Health Services had insufficient funds to maintain nurse Lisa White's demanding schedule of eleven hours per week at Bangs, Ann Whalen and the Clark House. The anonymous \$10,000 annual donation only covers six hours per week. In order to maintain the high level of service that Lisa provides, the Friends agreed to support her with an additional \$7,500 for the year until grant money can be obtained.
- The Elder Nutrition Program through Highland Valley Elder Services, which has not received an increase in federal funding in over 20 years, continues to leave our lunch site in a precarious financial situation. The meals include congregate dining and noontime meal deliveries to homebound elders. In order to cut costs our drivers have agreed to forgo their gas reimbursement and the lunch site director's hours have been cut.
- Periodic COA Memos have been sent throughout the year to the Town Manager and Select Board members to keep them apprised of the major activities, events and challenges that take place at the Amherst Senior Center.
- New chairs were purchased for the first floor rooms and the Pole Room at Bangs. The flat-seat, straight-back, stackable chairs replace the awkward bucket-seat chairs and cracking chairs. A used piano in excellent condition is another new addition. It is in the Large Activity Room.
- The Computer Room is in great demand for personal use by elders and for computer tutoring. As a result, other activities that were scheduled for the computer room (due to lack of adequate classroom space) ran into conflicts. The weekly Blood Pressure Clinic now takes place in the Garrabrants Room, compromising the schedule of the Massage Clinic.

FY 14 FUTURE PLANS

- The COA remains committed to maintaining home delivery of meals to elders in need, despite financial constraints.
- The COA remains committed to finding on-going financial support for the important work Lisa White provides to the health needs of elders through the Senior Health Services Program.
- The COA will continue to work with and support the Friends of the Amherst Senior Center in their major fundraising event, the Annual Amherst Follies.
- The COA will work with Janet Bunce, member of the Senior Health Advisory Group, in helping to identify seniors who could have their needs met at the proposed Amherst Area Community Health Center on University Drive.
- The COA will look for the financial means to increase the hours of part time Social Worker Helen MacMellon, in order that Helen and Maura Plante can adequately help Town elders as their numbers and needs increase.

- The COA recognizes the need for increased space for Amherst seniors and will work toward enlarging and improving our current space. Plans for a new arrangement design for the lounge will make it more functional and new furniture will make it more inviting.
- The COA will continue to explore possibilities and funding for a plan for a new stand-alone senior center at a site near the town center. The new center would provide adequate and designated space for senior services, programs and classes. It would include space for an exercise equipment room, which would attract the influx of Baby Boomers.
- The COA will continue to work toward incorporating an Adult Social Day Care Program into any new space we might acquire at the Senior Center.

AMHERST SENIOR CENTER

PRINCIPAL GOAL: To run a multi-purpose Senior Center that serves as the community focal point for the provision of services to the elderly. The S. C. works to initiate, facilitate, coordinate, and/or provide those services which in the broadest sense enhance dignity, support independence, maintain health, and promote the involvement of Amherst's elderly in the general community.

THE SENIOR CENTER: A VITAL COMMUNITY RESOURCE

Whether it's simply reading our 16-page bi-monthly newsletter, *THE SENIOR SPIRIT*, or coming in daily for the hot lunch program, Amherst's older residents have come to rely on the Senior Center. Here are examples of some of our program and service offerings in FY13:

CLINICS: weekly foot care and ear irrigation clinics with Sharon, bi-monthly ear irrigation clinics with Dr. Daniel Clapp, weekly massage clinics, weekly blood pressure clinics, flu immunization clinic with Health Department, hearing aid repair, and free consultations two days a week with R.N. Lisa White, psychological counseling, weekly acupuncture clinics and monthly "Tooth Fairy" teeth cleaning clinics with Marcie Foreman.

FITNESS PROGRAMS/CLASSES: Gentle Fitness, Tai Chi, Folkdance, Line dancing, Ballroom dancing, Osteoporosis Progressive Resistance Training Exercise, Function Well, Senior Yoga, Arthritis Foundation Exercise Program, Improving Balance and Mobility with the Alexander Technique, Level One Yoga Mat Classes, Zumba classes. Preventing Falls Among Older Adults Series, Raja Yoga.

ADULT EDUCATION CLASSES, EDUCATIONAL SEMINARS/WORKSHOPS

HEALTH SEMINARS: "Caring for Your Loved Ones", "Outsmarting Arthritis" seminar, "The CDH Traveling Vascular University: A Speedy, But Comprehensive Course", "Palliative Care", "Creating A Personal Health Record" seminar; "Massage Made Simple" Seminar, "How To Eat Right and Maintain a Healthy Weight", "Memory Talk", "Shoulder Pain" seminar with Dr. Jon Fallon, "Making Memories Matter" series, "What is Navicare?"; "Knee Replacement Surgery" with Dr. Dan McBride; "The Alexander Technique for Elders With Limited Ability and Their Caregivers", "Healthy Back, Healthy Life" with Stephen Murphy, "Cooley Dickinson Update with President Craig Melin", "Ticks and Lyme Disease" with Dr. William Swiggard; **FINANCIAL and LEGAL PROGRAMS:** Howard Singer's monthly "Money Talk"; Edward Jones' Financial Seminars; "Taking Control of Your Future:

A Legal Checkup”; Monthly Legal Clinics with Attorney Ed Smith; “Basics of Estate Planning and Elder Law” with Attorney Todd C. Ratner; PEOPLE’S UNITED BANK PERSONAL BANKING SEMINARS: “Keep It Safe”, “To Your Credit”, “Financial Recovery”, “Reverse Mortgages” with Attorney Seunghye Cha, “Long Term Care Costs” with Melodi Foti; WRITING, MUSIC and LITERATURE COURSES: “On Being Ill”—a public reading and writing workshop focused on the experience of illness, aging and caregiving; weekly Memoir Writing workshops, “Fearlessly Confronting the Blank Page” with Alice Shane, *Shakespeare’s* The Two Gentlemen of Verona, *Shakespeare’s* Much Ado About Nothing; *Shakespeare’s* Taming of the Shrew, *Shakespeare’s* Richard II, Gustav Mahler course #1, Gustav Mahler course “Final Symphonies”; Gustav Mahler’s “Enigmatic Middle Symphonies & the Vienna Years”; ART and CRAFTS CLASSES: Landscape & Cityscapes, Back to Basics, Deconstructing Still Life, Drawing People, Return to Still Life, Color Theory, Exploring Collage, Introduction to, or review of, Pen and Ink Techniques, Introduction to or review of Scratch Board, Mixed Media, Perspective, Bigger Than Life—How to Enlarge Things, Basic Watercolor Classes with Carolyn Bruneau; Watercolor painting classes with Carol Cherrington; Paint for Fun weekly oil painting workshops, “The Artists’ Way” classes, Senior Craft Workshops, Woodcarving classes; COSMOLOGY CLASSES: Physics & Its Most Extraordinary Equations: A Series of Non-Mathematical Explanations, The Inflationary Universe Concept; Special and General Relativity; Black Holes; The Development of Quantum Reality, Physics and Its Most Extraordinary Equations: A Series of Non-Mathematical Explanations; OTHER CLASSES and SEMINARS: “How to Research Genealogical Clues Through Our Land Records System”; Beginning Bridge Classes; AARP “You’ve Earned a Say” Community Conversation; AARP Seminar: Drivers Safety Refresher Course; Facebook Basics; Help With Your Cell Phone; How to Install and Use Skype;; Weekly New Options Discussions’; Seminar on “Procedures of Personal Genealogical Research”; Bike Week Clinic; Seminar: Women Reflect on Aging, Death and Caregiving”; Town Manager Speaks and Answers Questions About Town Government; Telling Your Life Story discussions; weekly New Options Discussions; and hundreds of one-on-one computer tutoring lessons.

SOCIAL RECREATION MUSICAL SHOWCASES: Dan Daniels “A Musical Journey 1950-2010”, John Root” Only Yesterday”, Classical Concert with Lisa Woods & Carol Wroblewski & Jerry Noble; John Root’s “Only Yesterday” Concert, Bill Shontz Concert “Music of You Life”—A Lighthearted Journey Down Memory Lane, Dick Partridge playing music by Tommy Dorsey; Spoon River Anthology by Edgar Lee Masters as portrayed by Steve Henderson; Dave Mindell—“The Rockin’ Robin”, “Music is Love” with Dick & Dawn Kelley, Ronald Meck Celtic/Folk Concert, Public Safety Picnic, Thanksgiving Dinner, bridge, scrabble, billiards, Chinese Mahjongg, weekly cribbage classes/games, Mexican Train Dominos; TRIPS: Tall Ships “Opsail 2012”, Day in Hampton Beach, Supper at Brunelle’s Marina & Lady Bea Conn. River Boat Ride, Day on Your Own in Ogunquit Maine, Pickity Place, Bright Nights & Supper at the Salem Cross Inn, New Britain Museum of American Art & Lunch at the Red Lobster; Supper at the Red Rose in Springfield & Pops with the Hartford Symphony; Boston Museum of Fine Arts; “A Prairie Home Companion” at Tanglewood, Isles of Shoals Cruise and Lobster Luncheon, Mystic Seaport, Day in Hampton Beach, Day in Rockport, Eastern States Exposition, Canadian Rockies by Train; SPECIAL EVENTS: Iraqi Student Fundraiser; Annual Volunteer Awards Tea; Thanksgiving Dinner; Annual Holiday Party; Amherst College “Ageless” Singing Suppers, weekly Name That

Tune singing and dancing sessions; Valentines' Day Party, Senior Center Community Tag Sale, Fourth Annual Spring Follies.

SERVICES TO INDIVIDUALS: HVES (Highland Valley Elder Services) Title III Congregate hot lunch program, Meals on Wheels evening hot supper through the University of Massachusetts, HVES Title III Home Delivered hot lunch, AARP Tax Assistance, leaf raking and help with snow/ice removal, personal care/homemaking referral, friendly visitor program, social worker counseling/I+R, Brown Bag monthly groceries through Western Mass. Food Bank, Food Box monthly groceries through Amherst Survival Center, free weekly bread/produce giveaway, fuel assistance, emergency food pantry, volunteer driving to doctor's appointments, SHINE health insurance counseling, tax assistance, Convalescent Loan Closet, Tax Work-Off Plan intake, & placement, subsidized van ticket sales, wellness grants, farmers' market coupon distribution, medical rides and free wheelchair and medical equipment loan closet, and partnership with the SALT Council to provide services such as house numbering, RUOK, File of Life, Drug Take Back Day, SAFE Elder project), Outbooks on Wheels, Salvation Army Office Hours for Emergency Assistance, H.E.L.P. (Hampshire Elder Law Program) assistance, Prescription Pick-Up and Delivery, PVTA ID cards photos, private pay home help I & R, parking sticker program, home safety assessments, Annual Flu Clinics in conjunction with the Amherst Health Department.

PARTICIPATION IN FREE/LOW COST FOOD PROGRAMS

| Name of Program | FY09 | FY10 | FY11 | FY12 | FY13 |
|--|--|---|---|---|--|
| Congregate Hot Lunch | 5120 (5.6% decrease) If no snow we would have served 95 more or 5215 - a 3.8% decrease | 5966 (17% increase) | 5804 (2.8% decrease caused by 7 snow days i.e. 150 meals otherwise the program had no measurable change) | 5285 (8% decrease. This year we lost a number of daily diners. Seven went into nursing homes or moved and one who died.) | 5669 |
| Meals on Wheels (UMass food delivered mid-afternoon) | 4324 (9% decrease) If no snow we would have delivered 101 more or 4423 - a 7% decrease | 4622 (7% increase) impressive, considering 3 snow days. | 4,867 (5.3% increase-- if there had been no snow days the count would have been 5009 meals or a 8.4% increase) | 6,074 (19% increase) (More community awareness with discharge planners) | 6,068 No change |
| Home delivered meals (HVES food delivered at 11 AM) | 16,061 (4% decrease) If no snow we would have served 103 more, 16,164 - a 3.5% decrease | 15,182 (5.5% decrease) due to the weather and grantor's fiscal constraints | 13,924 (8.3% decrease) partially due to 4 days of weather issues = 245 meals. (Otherwise 6.7 % decrease) | 10,805 (22% decrease) meals for 30 people were suspended or terminated by HVES for various reasons.) | 10,231 |
| Brown Bag (Western Mass Food Bank) | 1016 No change | 1,054 (4% increase) | 979 (7.2% decrease) | 820 (16% decrease b/c the Western Mass Food Bank is following the income guidelines more closely as food resources are more limited. | 862 Food costs have increased and this program provides more food security. |

| Name of Program | FY09 | FY10 | FY11 | FY12 | FY13 |
|---|---|---|---|---|---|
| Food Box (Survival Center food) | 543 (13% increase) | 468 (13.9% decrease) | 429 (8.4 % decrease) | 421 (More seniors are opting to go to the Survival Center where they can be more selective about their food choices.) | 468 Food costs have increased and this program provides more food security. |
| Free Bread & Produce Give-away | 2338 (48% decrease) Snow days, less food to give out | 2129 (9% decrease BUT #s would have increased if we didn't have to cancel six times.) | 2,262 (6.3% increase) The program would have seen a 15.7% increase if we didn't have to cancel 4 weeks due to snow and elections | 2007 (11% decrease probably because there is less food to go around. Merchants are trying not to overstock and overbake.) | 2403 Food costs have increased and this program provides more food security. |
| Grocery Pantry Emergency Food Give-away | 45 (19% increase) | 42 (6.7% decrease) | 37 (12% decrease because more people are participating in the weekly free bread and produce program.) | 29 (21% decrease in visits b/c more people are going to the Survival Center where there is a larger emergency pantry.) | 38 Many seniors live on limited incomes and are having a hard time making their money last through the month. |

SENIOR PARKING PROGRAM CONTINUES SUCCESSFULLY

A pilot program from August-December 2012, benefitted many volunteer and regular program participants. As a result of its success the parking program continues. Seniors 65 and older who reside in Amherst can purchase a sticker for \$25 for the calendar year which allows them to park in the Boltwood or Ann Whalen lot on weekdays between 8 AM and 5 PM for up to four hours. A total of 107 stickers were sold for the 2013 calendar year.

PART-TIME SOCIAL WORKER HIRED

We have hired a 15 hr/wk licensed certified Social Worker. She is a valuable asset as she assists our full-time Social Worker with the ever-increasing needs of elders in our community. Funds for this position come partially from the EOEA Formula Grant and partly from Friends monies. We need her to be made **full-time** to manage the burgeoning numbers of seniors with mental health problems /other issues.

NEW VAN

A seven passenger mini-van was purchased in November with Friends monies. It is used for transporting seniors, picking up supplies, delivering meals, giving emergency rides to elders and transporting small groups to meetings. The van technically now belongs to the Town, and has Town seals on the sides.

PREPARING FOR EMERGENCIES

An "At Risk Data Base", which includes seniors who may need help in the event of a major storm or power outage, was prepared by the staff. The goal is to be able to contact and help elders who

may need food, warmth, assistance with medications, social contact or evacuation in an emergency. About 100 people are on the “at risk” list because of health issues, disabilities or advanced age.

SENIOR HEALTH SERVICES UPDATE

Senior Health Services staffed by a registered nurse, provides a variety of health services to community seniors including blood pressure monitoring, blood glucose testing, medication information, weight monitoring, nutrition information, wound and skin assessment, ear and throat inspection and assistance with responding to a variety of health care needs.

The nurse provides a walk-in clinic in the “Bubble” Room at the Bangs Community Center on Mondays and Thursdays, and in addition has provided a weekly community clinic at the Clark House and Ann Whalen Apartments and has made home visits for those in need. In

FY13, 1,269 client contacts were logged for seniors served by the program.

Amherst Senior Center's Senior Health Services program, receives no Town funding. An annual \$10,000 donation from Amherst resident Dorothy Gavin continued to provide the primary funding for the Bangs based twice-weekly clinics over the year, and the program was also supported by Amherst Senior Center Friend's group donations. Donations of new medical supplies are also appreciated, to be used in the clinic or distributed to seniors in need.

Other health services offered at the Senior Center include: fee-for-service ear irrigation and foot care clinics with RNs; weekly therapeutic massage clinics; free twice monthly ear irrigation clinics with volunteer, Dr. Daniel Clapp; and approximately 33 health seminars with local health professionals.

MORE SENIOR HEALTH SERVICES OUTREACH FUNDING NEEDED

Senior Health Services had insufficient funds to maintain the senior center's nurse in her free outreach clinic work at the two adjacent senior housing complexes and also continue her eight hours a week at the senior center. The senior center hours have been funded for over a decade by a \$10,000 a year community donation. A grant from a local hospital funded the outreach work but that money has run out. Our Friends group voted to pay for the outreach hours as the response has been so huge.

NUTRITION PROGRAM FINANCIAL WORRIES The Elder Nutrition Program through Highland Valley Elder Services, which has not received an increase in Federal funding in over 20 years, continues to leave our lunch site in a precarious financial situation. The meals include congregate dining and noontime meal deliveries to four different routes of homebound elders. All deliveries are made by volunteers, but we pay our lunch site director and a \$.50/mile gas allowance to drivers who really need it so they would be retained. The money we receive from our AAA grant is at the rate of \$1.19 for each home delivered meal and is supposed to cover our expenses. The big variable though, that we have no control over, is who is approved to receive the meal—the numbers of recipients has been reduced steadily to the point that we are going into the red. Several months ago, at the suggesting of our AAA, we switched to delivering two days' worth of meals on Tuesdays in order to eliminate some gas expense—this has helped a bit. We hated doing that b/c of the well-being check and the loss of contact one day a week with many of these people who are so isolated. In another move, we have had a staffing turnover in the lunch site director and have reduced the pay rate. A big worry is the rising cost of gas in FY14.

PHYSICAL THERAPIST ASSISTS WITH LOAN CLOSET

The Convalescent Equipment Closet, which was renovated in 2012, now has a volunteer Physical Therapist who is available and can identify specialty equipment or prescription requirements for special problems. She can help fit the items to the user. A spreadsheet was created to keep track of equipment in short supply. This program is very popular and much appreciated by area seniors.

“TOOTH FAIRY” DENTAL HYGIENIST

A new health service has been added to our offerings. “The Traveling Tooth Fairy”, Marcie Foreman, provides reduced fee cleaning here at our senior center monthly. She brings her own chair and equipment and the lower cost of \$53 has enabled many people to finally afford cleanings.

LONG RANGE PLANNING

The Long-Range Planning Committee in fiscal year 2012 developed information on the type of new senior center we would like to build, including building size, site size and location, the specialized rooms that are needed and the building configuration. This information was presented to the Town Manager. In fiscal year 2013 we developed information on how to build the new senior center including funding sources, fund-raising consultants, project managers, architects, contractors and timelines. As a part of this effort we visited the new Amherst Survival Center, new senior centers in Holyoke and Northampton and one that is starting construction in Chicopee. In each of these locations we photographed the buildings and held meetings with the directors.

FRIENDS OF THE AMHERST SENIOR CENTER FUNDRAISERS

The Friends of the Amherst Senior Center held the Fourth Annual Amherst Follies, a fundraising variety show, at Buckley Recital Hall on the Amherst College campus, raising \$2300. Other fundraising activities included bake sales, a dinner at Bertucci’s Restaurant, the annual membership solicitation in *The Senior Spirit* newsletter, and the solicitation in the Town Census mailing. COA member Joel Gordon, designed and created styluses for iPad and Smart phone users. He donated proceeds of over \$1000 to the Friends from the sale of the styluses. The Friends raised a total of \$22,000 for the Amherst Senior Center in FY13.

TAX WORK-OFF PLAN

The Tax Work-Off Plan enables seniors (age 60 and above), whose primary residence is in Amherst and who meet the eligibility guidelines, to work in a Town department and receive up to a \$1,000 abatement on their property taxes per fiscal year. The work performed by Tax Work-Off participants does not replace any Town positions. Presently all 35 slots in the program are full and there is a wait list of 4 eligible seniors. During FY13 participants worked in the following departments: Senior Center, Jones Library, Munson Library, Leisure Services, and the Collectors and Town Clerk's offices. The grand total hours worked by all 35 participants was 3,474 hours with 15 of the participants donating a total of 196 hours as they each worked beyond the needed 125 hours. For the Senior Center 1,696 hours of the grand total was worked by 18 Tax Work-Off participants in a variety of programs at the Senior Center. Intake and placement is handled by Senior Center Social Worker, Maura Plante.

In FY13 approximately 12,581 hours of volunteer time was given by 291 volunteers in the following categories:

| # of Hours Given | # of Volunteers |
|----------------------------|-----------------|
| 20 hours/week or more | 2 |
| 5 hrs/wk up to 19.5 hrs/wk | 6 |
| 1-5 hrs/wk | 70 |
| 10hrs/yr to 50hrs/yr | 102 |
| Less than 10 hrs/yr | 112 |

The value of these hours, according to the Independent Sector is \$201,296

In-kind donations represent tangible goods or services generally considered essential for the Senior Center's operations, but not paid for out of its budget. See the table looking at some FY13 in-kind donations (this list is not exhaustive.) The estimated in-kind total for FY13 is \$630,154.

| In-Kind Donation | Estimated Value |
|--|-----------------|
| Rent/Space (gross square feet=13,505) | \$152,250 |
| Gas donated by meals deliverers, staff | \$11,249 |
| Utilities | \$23,000 |
| Van Garaging, Gas & Service | \$17,169 |
| Custodial/Maintenance | \$28,762 |
| Plowing/Outside Maintenance | \$16,607 |
| Durable Medical Equipment | \$17,193 |
| Computers/phones/printers/tech. support | \$41,600 |
| Donated Goods | \$11,450 |
| Value of Crafts Made & Sold for Sr. Ctr. | \$596 |
| Recognition Event | \$585 |
| Furniture/Equipment | \$12,347 |
| Office Supplies | \$1,326 |
| Entertainers, program expenses | \$2,150 |
| MSC® Service Annual Fee | \$1,170 |
| Luncheons, food for all nutrition programs | \$264,439 |
| Cable TV Service, Golden Age Radio | \$720 |
| Books/Videos/Magazines/Puzzles | \$1000 |
| Piano tuning, Purchase of Piano | \$2,095 |
| Outreach Grant | \$600 |
| Newsletter | \$9,844 |
| Lunch Site Director & Assistant | \$15,973 |
| Water Cooler/Heater Rental | \$240 |
| Equip. rental & maintenance | \$343 |
| Craft Workers, Nursing Center Expenses | \$17,562 |
| Amherst College Art Programs | \$5,000 |
| Conference Fees/Membership Dues | \$1,340 |

Respectfully submitted,

Nancy Hirsh Pagano, Director

FINANCE COMMITTEE

Fiscal Year 2013

The Finance Committee advises the Town on matters affecting Town finances and makes transfers from the Reserve Fund to cover extraordinary or unforeseen expenses. The primary focus of the Committee's responsibility and work consists of adopting guidelines for managing the Town's money and recommending a comprehensive budget consistent with those guidelines to the Annual Town Meeting. As it does so, the Committee considers recent year trends, projections for the next years, and prudent financial management practices. The Committee oversees the formulation and implementation of sound financial management policies. The Committee also recommends a course of action for any articles having financial implications that come before any Annual or Special Town Meeting.

The Finance Committee's recommended Preliminary Budget Guidelines are presented in the fall to the Town Manager, Superintendent of Schools, and Library Director to provide them with information on the level of resources that are expected to be available for spending on operating and capital budgets in the next fiscal year. This enables them to propose budgets in January for Finance Committee review. As it develops the Preliminary Budget Guidelines, the committee considers the revenue that is expected from taxation, state aid including Chapter 70 education funds, and other sources. The committee also considers the need to maintain appropriate levels of reserves in the form of Free Cash and the Stabilization Fund, projections for revenue and expenses in the next years, and longer-term financial demands on the Town. The guidelines are developed from the Finance Director's projections of revenues and spending for the previous, current and next three to five fiscal years.

Changes to the guidelines sometimes occur as new information about funding sources and service needs becomes available during the budget process. Such changes might be to the amount of available resources and/or particular needs to support municipal services, elementary schools, regional schools and library services. The committee may change the proportion of the total going to these different sections of the overall Town operating budget.

The Committee obtains advice throughout the budget process from other boards and committees, staff, and the general public, including the Budget Coordinating Group and the Joint Capital Planning Committee. Two Finance Committee members are designated to serve on Budget Coordinating Group and the Joint Capital Planning Committee and one member serves on the Audit Committee. Committee members also serve as liaisons to the Select Board, School Committees, and Library Trustees to facilitate a coordinated budget process and understand the unique challenges and needs of all Town programs and services.

Fiscal year 2014 guidelines and budget

The development of the FY 14 budget commenced in October 2012 with financial projections from Finance Director Sanford Pooler. Mr. Pooler projected a 3.1% revenue increase for FY 14. The Preliminary Guidelines asked for operating budgets from the Town Manager and for libraries at a 3.0% increase from current year (FY13) levels and asked the elementary schools to develop a budget with a 2.0% increase. The amount for the Amherst Public Schools was a 3.0% increase if calculated from the amount that Town Meeting would have allocated for FY

13 if it not added \$218,200 from Free Cash on a one-time basis, anticipating new revenue from accepting School Choice students. The guidelines asked for a regional school budget that would increase the Amherst assessment by 3.0% and proposed capital expenditures totaling 7.0% of the property tax levy. When the Preliminary Guidelines were developed, the Committee projected that the budget would be balanced without use of Free Cash or Stabilization Funds.

The budget that the committee proposed to Town Meeting, and was adopted at the 2013 Annual Town Meeting, differed from the Preliminary Guidelines in several respects. It required the use of Free Cash to address two one-time needs. Article 25 transferred \$90,000 from Free Cash for the Social Services eligible activities. Article 26 transferred \$30,000 from Free Cash to pay the Town's share of the cost for a Town-Gown Strategic Planning study, a cooperative process with the University of Massachusetts. The General Fund Budget increased by 2.7% from FY 13.

Property tax revenue is predictable since, without an override, it can only increase by 2.5% plus any additional taxation generated by new growth. The second largest source of revenue is from state aid, mostly Chapter 70 funding for education and Unrestricted General Government Aid. As it developed the budget recommendation for Town Meeting, the Committee initially assumed that there would be a modest 0.4% increase for this revenue from the previous year. By Town Meeting, the House of Representatives passed its budget with a 3.1% increase for state aid to Amherst. When the State adopted its budget for FY 14, the net state aid to the Town was within \$23,435 of the assumptions used in the approved budget.

Reserves

The Town had been spending reserves to support operating budgets, in varying amounts, from FY 02 through FY 13. As noted, Town Meeting used \$120,000 from Free Cash to balance the FY 13 budget. The Department of Revenue certified free cash at the end of FY 13 at \$4,738,538. That plus the Stabilization Fund (\$2,915,976) meant that on June 30, 2013, the end of FY 13, reserves were \$7,654,514. The Fall 2012 Town Meeting transferred transfer \$1,002,710 from Free Cash to the Stabilization Fund as recommended by the Committee.

The increase in reserves from the previous year was \$1,506,612. Reserves represented roughly 11.2% of general fund operating revenues. The section of the Finance Committee's 2008 Financial Management Policies and Objectives regarding reserves states that "reserves, including the combined balance of Free Cash and Stabilization Fund, should be maintained at 5-15% of general fund operating revenues. The primary objective of the Town's reserve policy is to provide the Town the flexibility to sustain service levels despite the adverse financial impacts of economic downturns and unforeseen and extraordinary expenses." This goal is a widely accepted measure of good financial standing and a key factor in Amherst's bond rating.

Fiscal year 2013 Reserve Fund transfer

The Reserve Fund is used by the Finance Committee to cover extraordinary or unforeseen expenses of the Town. An amount is appropriated at each Annual Town Meeting for this purpose. Most years, including FY 13, the appropriation has been \$100,000. When the Committee met on July 10, 2013, its members voted to transfer \$3,185 from the Reserve Fund

to the Community Services functional area budget to make up for the additional costs to the veteran budget because of increased service. That meant that \$96,815 was returned to the Undesignated Fund Balance and became Free Cash.

Other Post-employment Benefits (OPEB)

The Finance Committee recommended that the 2012 Fall Special Town Meeting appropriate \$585,342 to the OPEB Trust. The Town Meeting made that appropriation as recommended. Also pursuant to committee recommendations, the 2013 Annual Town Meeting added additional funds to the OPEB Trust from Medicare Part D reimbursements (\$57,055), a decision that one month of employer premiums did not need to be added to the Health Insurance Trust Fund (\$376,253), and from budget allocations within Water and Sewer Enterprise Funds (\$300,000). The OPEB Trust was established at the 2010 Fall Special Town Meeting to enable the Town to hold funds to meet the large unfunded future obligation to provide health insurance for retirees. The Town's OPEB liability was in excess of \$93 million.

Investment Policy

The committee amended the Financial Management Policies & Objectives, initially compiled in 2008, to add an Investment Policy. The policy was developed in order to clarify the Town's procedures and practices for the investment of funds, both short-term (bank accounts) and long-term (Stabilization, OPEB, and other funds). The new policy also responded to two petition Articles from the 2012 Annual Town Meeting that were referred to the Finance Committee.

Meetings

The Committee held 18 meetings during the year including a combined meeting with the Select Board, School Committee and Jones Library Trustees, and meetings with the Amherst Select Board, Amherst School Committee and representatives from the other three Regional School District towns (Pelham, Leverett, and Shutesbury).

Members of the Committee

Members who served diligently and with great thoughtfulness were Andrew Steinberg (Chair), Kay Moran (Vice-Chair), Janice Ratner, Anurag Sharma, Douglas Slaughter, Sarah Swartz, and Marylou Theilman.

Thanks

The Committee required a great deal of staff support to gather information and to present it to Town Meeting. Sanford Pooler gave us invaluable support as Finance Director. He and the staff of the Finance Department provided necessary information about the Town's financial history and current situation. He contributed knowledge, experience, perspective, analysis and advice. Maria Racca, Financial Analyst, organized information for us and also produced our reports, usually under acute deadline pressure. Comptroller Sonia Aldrich provided timely, accurate and informative reports about town revenues and expenses which enabled us to monitor the Town's financial performance as it operated on budgets adopted by the Town Meeting.

We rely on assistance of the Town Manager's office staff to help organize our operation. The committee's review and evaluation of the various parts of the Town's budget depends on the

assistance of the Town Manager, School Superintendent, Library Director and members of their staffs, along with department heads and other staff responsible for municipal services. Contributions of the Select Board, School Committee and Jones Library Trustees are essential to arriving at an acceptable budget to recommend to Town Meeting. We thank them all for their generous assistance.

We are committed to organizing and presenting financial information to Town Meeting members in order to assist them in carrying out their duty to determine spending policies and appropriate funding for Town, School, Library and capital needs of the Town. We appreciate the comments and guidance they give us, both as individual members and as a group, the appropriating authority of the Town.

Andrew Steinberg, Chair

FINANCE DIRECTOR

Fiscal Year 2013

The Finance Director is responsible for the coordination of all financial activities of the Town, managing and coordinating the activities of the Finance Department (Accounting, Assessing, Collections, and Treasury), developing operating and capital budgets and appropriate budgetary controls, and for effective financial planning and management of debt and debt policies. He also serves as the primary staff liaison to the Finance Committee, Joint Capital Planning Committee, and the Budget Coordinating Group.

FY 13 Budget

Town Meeting passed a General Fund budget of \$66,616,854, an increase of 3.7% from the previous year. The budget included an additional appropriation of \$218,200 from Free Cash voted at Town Meeting as a one-time supplement to the Elementary School budget so the School Department could implement a school choice program, the tuition from which would be used in for the first time in the FY 14 school budget. The tax rate was set to tax at the full levy limit. The Governor's budget level funded State Aid and Town Meeting passed the budget using those figures. The Legislature later increased State Aid by over \$500,000 (see below). Some local receipts – from the hotel/motel tax, the local meals tax, and motor vehicle excise taxes – were budgeted at higher levels than in previous years, reflecting a trend of increased receipts over time. A significant factor contributing to a balanced budget was the Town's favorable experience with health insurance. The health insurance trust fund had strong balances, and claims data for the year were modest enough that it was possible to have no rate increase for either the active employee plans or the retiree plans, notwithstanding industry rate increases of 10% or higher.

The fiscal year closed with a surplus of \$1.43 million (on an unaudited basis), which was equal to 2.1% of revenue. These figures are consistent with surpluses over the previous five years. By far, the largest part of the surplus derived from revenues that were higher than original projections. Areas that contributed to this surplus included the hotel/motel and meals taxes, which increased with the reopening of the Lord Jeffrey Inn after an extensive and prolonged renovation, increases in licenses and permits, particularly building permits, and stronger than usual tax collection rates. Departments expended 99.6% of their budgets, resulting in a turnback of \$265,848.

After the adoption of the annual Town budget, the Legislature increased State Aid for all cities and towns. At the Fall Special Town Meeting the increased aid (\$585,342) was appropriated to the Town's Other Post Employment Benefits (OPEB) Trust Fund to meet the long term costs associated with health insurance benefits for retired Town employees. The State certified Free Cash at \$4,738,538, and the Fall Special Town Meeting transferred \$1,002,440 to the Stabilization Fund, in accordance with the Town's Financial Policies that recommend transferring any amount of Free Cash in excess of 5% of the operating budget to the Stabilization Fund.

Bond Sale

In March 2013, the Town conducted a very successful bond sale, selling \$6.8 million in bonds. Four million of those bonds was for Sewer Fund projects to extend sewer lines along Harkness Road and into the Amherst Woods neighborhood. One million dollars of the bonds were for road repairs, \$184,000 was for repairs to the Fire Headquarters, \$150,000 for the purchase of a large truck for the Department of Public Works, \$125,000 to upgrade Police Department communications equipment, and \$306,000 for the first part of a three year program to plant 2,000 public shade trees throughout town. The interest rate on the bonds was 1.8%

Acknowledgements

I want to acknowledge the hardworking employees in the Finance Department who perform necessary, critical, and often thankless work in the Accounting, Tax Collection, Assessing, and Treasury functions in support of Town services. They are highly skilled and professional, dedicated to their jobs, and willing to solve the problems and challenges that often arise in these offices. Their success has been acknowledged by our independent auditors who report timely and accurate financial reporting, strong cash management and investment practices, and sound internal controls. Other indicators include our strong tax collection rates (regularly in excess of 98% annually) and accurate and equitable property tax assessments with abatements well below 1%. I am happy to report that the Town's finances are well managed by this excellent staff.

Submitted by,
Sanford M. Pooler
Finance Director

HEALTH DEPARTMENT & BOARD OF HEALTH

Fiscal Year 2013

The mission of the Amherst Board of Health, working through the Health Department, is to promote the health and wellbeing of our community. We fulfill this mission through our core functions: assessment, assurance, promotion, and policy development.

Assurance: ensuring all Amherst residents have the services necessary to maintain or restore good health either by coordinating the delivery of services by other agencies, by policy or regulation development, or by providing services directly.

Assessment: systematically collecting, assembling, analyzing, and making available information regarding the health of the community, including statistics on health status, community health needs, and epidemiological studies of health problems.

Promotion: providing services and educational opportunities that encourage healthy environments and healthy lifestyles.

Policy Development: development and implementation of comprehensive public Health policies, regulations and legislation.

The work of the Amherst Health Department is organized into six major areas: Access to Health Care, Infectious Disease Control, Disease Prevention and Health Promotion, Environmental Health, Health Policy and Emergency Planning and Preparedness.

I. Access to Health Care

Ensuring access to health care for all Amherst residents continues to be a priority for the Health Department. Some of the departmental programs helping to address this concern are Hampshire Health Connect, Casa Latina and “Peace in the Family: a Khmer Community Project.”

Hampshire Health Connect

Hampshire Health Connect (HHC) is a nonprofit organization created by a group of citizens, providers and representatives of local government, businesses, and insurers. HHC aims to link families and individuals who are underinsured or who have no health insurance with insurance programs they may be eligible for, or to medical providers willing to see HHC patients at no charge or on a sliding fee scale. HHC is housed at Cooley Dickinson Hospital.

HHC provides the services of a Latina caseworker, who has been working in the Amherst Health Department offices to enroll all Amherst residents, but especially those whose first language is Spanish, into a health care program. The enactment of Health Care Reform has had a great impact on the work of Hampshire Health Connect. Many who believed they were ineligible for state benefits are now seeking the help of HHC to enroll in the Commonwealth Care Programs. As a result, Amherst residents’ participation in HHC, and the number of Latino clients served by HHC continues to rise. During FY 13, 189 Amherst residents accessed HHC services at the Bangs Community Center.

II. Infectious Disease Control

Controlling the spread of communicable diseases and food-borne illnesses is an important function of the Health Department.

Infectious Disease Surveillance and Control during FY13 included the following:

- 1 cases of active Tuberculosis (Tb).
- 10 cases of Tb prevention and control.
- Three senior flu clinics in conjunction with the Council on Aging: 221 doses of seasonal influenza vaccine administered; and 10 doses of pneumonia vaccine administered.
- Two influenza clinics for town employees and their families: 330 doses of flu vaccine administered and 10 doses of tetanus administered.
- Two outreach influenza clinics for underserved populations: 19 doses of vaccine administered.
- Monthly immunization clinics
 - Total: 274
 - 18 yo and <: 182
 - 19 yo and >: 92

The Public Health Nurse provided case management and/or follow up for 67 reportable infectious diseases:

Amebiasis:1 Babesiosis: 4; Campylobacteriosis:4 ; Giardiasis: 5; GroupA Strep:1, GroupB Strep 1; Haemophilus Influenzae: 1; Hepatitis A: 1; Hepatitis B 2; Hepatitis C:8; Influenza:18; Lyme: 7 Perussis:8; Polio: 1; Salmonella: 3; Strep Pneumoniae 1; Varicella: 1.

III. Disease Prevention and Health Promotion

Programs aimed at promoting health and preventing disease is another important aspect of the Health Department's work. Programs and interventions are targeted to the general public, as well as specific groups at increased health risk due to their particular demographic group, or the consequences of their own behavior, or the behavior of others.

High Risk Groups

The Health Director and Inspectors work together as a team to address the multi-faceted problem of hoarding via joint inspections including mental health assessments and referrals to social services.

Town of Amherst Handicapped Permits are available to residents of Amherst who have a temporary or chronic condition that substantially limits their mobility. This permit allows residents to park in handicapped spaces within the Town of Amherst. This permit WILL NOT extend parking privileges beyond Town limits or the area colleges. A permit may be obtained from the Amherst Health Department. A doctor's certificate stating the condition and the expected duration of the disability is required.

IV. Environmental Issues

The Board of Health is required by state statute to perform many pertinent duties relating to the protection of public health, disease control and to advocate sanitary living conditions. The Health Department's inspectional staff consists of two Inspectors: one full-time and one part-time. Their responsibility is to regulate the laws, administer permits and perform inspections of residences and businesses relating to food. This fiscal year, the department successfully conducted 1155 inspections and issued 367 Town permits.

Food Safety

The Health Department inspected 300 food handlers during the 2013 fiscal year. We administer permits for all food handlers encompassing: restaurants, recreational camps, bed and breakfast operations, residential kitchens, college institutions, hotels, motels, retail food stores, schools, mobile food units, temporary events, caterers, bakeries, and frozen food establishments.

The department's routine inspections and follow-up are crucial to protecting the public's welfare. The division enforces Chapter X of the State Sanitary Code: Minimum Standard for Food Establishments, 105 CMR 590.000. These state laws allow the Town of Amherst to conduct inspections, issue orders and suspend or revoke permits where necessary.

Health Department staff works collaboratively with local restaurants to ensure compliance with the Federal Food Code. The code requires all restaurants to have a person in charge (PIC) who has knowledge of food-borne disease prevention and application of the Hazard Analysis Critical Control Point (HACCP) principles. Inspectors continue to monitor food managers to ensure obtainment of their Food Manager Certification and to develop a food protection program.

Body Art Establishments

There are two Body Art Establishments and 10 licensed practitioners in Amherst. The inspectors conducted 2 inspections.

Swimming Pools

No person shall operate or maintain any swimming, wading or special purpose pool without obtaining a permit from the Health Department. The permit shall be subject to the requirements of 105 CMR 435.00 and to any regulations as may be adopted by the Board of Health, provided, however, that said local Board of Health regulations shall not be applicable to a state owned or operated swimming, wading or special purpose pool. The Health Department issued 15 swimming pool permits, and conducted 28 inspections.

Recreational Camps

We continue to perform extensive monitoring and inspections to sustain quality and assurance of compliance. This fiscal year there were 38 recreational camps. The total number of inspections conducted for recreational camps is 59.

Throughout the year we receive new information from the Community Sanitation Program. The Department makes every effort to forward the new material and information to all of our camp operators in a timely manner and these packets are now made available online.

Housing

The Health Department responds to nuisance and housing complaints and enforces Chapter II of the State Sanitary Code: Minimum Standards of Fitness for Human Habitation, M.G.L. c.111, ss. 127A and 127B: 105 CMR 410.000. Upon request or upon the department's initiative the Health Department can certify violations, issue orders, hold hearings, grant variances and institute court proceedings if needed to enforce orders. This fiscal year the Inspectors conducted 237 inspections including fraternities, sororities and voucher program related issues.

M.G.L. c.111, s.122, allows the Health Department to investigate nuisances which in the Board's opinion may be injurious to the public health. The Health Department may destroy, prevent or remove such nuisances and make regulations relative to these issues. There were 60 nuisance complaints mostly involving trash. All nuisance complaints were addressed and abated.

Septic System

The Environmental Health Department enforces the State 310 CMR 15.000, Environmental Code, Title 5: Standard requirements for the siting, construction, inspection, upgrade, expansion of on-site sewage treatment, for the transport and disposal of septage. This fiscal year the Inspectors conducted 13 percolation tests and 15 septic system finals. In FY13, the Inspectors conducted 29 Title V inspections.

Septage and Garbage

The Health Department enforces Title V of the State Environmental Code; Minimum Requirements for the Subsurface Disposal of Sewage, 310 CMR 15.00. We've issued 15 permits for the removal or transportation of garbage and offal this fiscal year.

V. Emergency Preparedness

The Health Department continues to develop a group of medical and non-medical volunteers through the Medical Reserve Corps (MRC) Program. There are currently 34 members on the Amherst MRC roster. The Amherst MRC has held training sessions since the fall of 2004. The group is trained in the National Incident Management System (NIMS), Emergency Dispensing Site (EDS) operations, Shelter Operations, and other public health emergency and disaster preparedness-related topics. Health Department staff is involved in several local preparedness organizations such as the Hampshire Public Health Emergency Preparedness Coalition and Five College Public Safety Emergency Preparedness.

VI. Health Policy and Planning

During FY13 the Board of Health was comprised of the following members: Chairman David Ahlfeld, Diane Amsterdam, MD, Nancy Gilbert, Julie Marcus, Maureen O'Leary, and Ilana Schmitt, MD. Ilana Schmitt, MD resigned from her position mid-year and Diane Amsterdam, MD was appointed to fill the vacated seat. The Board of Health, under Massachusetts General Laws (M.G.L.) as well as state and local regulations, is responsible for setting, composing and enforcing policies and regulations which promote and protect the public health of Amherst residents and visitors.

The Board of Health approved amendments to the *Amherst Regulations for Body Art Establishments*. The amendments include prohibiting body piercing for patrons under the age of 14 years; prohibiting the piercing of the tongue, nipples, or lips for patrons under the age of 18 years; require persons under the age of 18 years to be accompanied by a properly identified parent, legal custodial parent, or legal guardian.

As required by the Department of Environmental Protection, the Board of Health developed a regulation to define the area near the Atkins Reservoir and its associated water bodies known as Zone A. This regulation also restricts certain activities in Zone A. A Public Hearing was held on October 25, 2012 in order to accept comment. The new regulation was adopted by a Board of Health vote and became effective March 1, 2013.

The Board of Health began an exploration of scientific evidence as they engaged in discussions concerning tobacco use and protecting the public health. The Board of Health discussed and reviewed policies to restrict the sale of tobacco products and the sale and use of nicotine delivery products. Their discussions included cigar packaging parameters, banning the sale of blunt wraps, banning the sale of tobacco in health care institutions (pharmacies) and capping and reducing the number of tobacco permits available in Amherst. At their final meeting of FY13, the Board of Health held a public hearing to receive public comment regarding a proposed tobacco regulation entitled *Regulations Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products*. The Board of Health will continue their discussions regarding the proposed regulation in the upcoming year.

FY13 Board of Health

David Ahlfeld, Chair

Diane Amsterdam, MD (appointed: 3/2013)

Nancy Gilbert

Julie Marcus (appointed: 8/2012)

Maureen O'Leary (appointed: 11/2013)

Ilana Schmitt, MD (resigned: 11/2012)

HUMAN RESOURCES

Fiscal Year 2013

Human Resources Report:

There were 272 regular full and part time employees of the Town and library in FY 13. During the year, there were 15 new hires, including Director of Human Resources and Human Rights Deborah Radway. 15 staff members departed town employment, including the retirements of 35 year DPW Highway Division Director Ken Isabelle, 31 year Fire Department Administrative Assistant Vera West-Davis, 28 year Library Youth Services Coordinator Sylvia “Sully” Brinkerhoff and 24 year Planning Assistant Sue Krzanowski. At the December Holiday Party, the following employees were recognized for their years of service to the Town:

35 Years

Scott P. Livingstone Police
Kenneth E. Isabelle Public Works

30 Years

Vera West-Davis Fire
David P. Miner Fire
Charles E. Drake Public Works

25 Years

Sonia R. Aldrich Accounting
Linda L. Chalfant Leisure Services
Tina M. Swift Libraries
Ronald A. Young Police
Charles H. Nelson Police
Cynthia A. Cary Treasurer/Collector

20 Years

Michael E. Roy Fire
Seth M. Rothberg Libraries
John C. Boucher Public Works
Stephen T. Call Public Works

15 Years

Kim M. Littmann Accounting
Elizabeth J. Lass Conservation
Joan E. Pyfrom Libraries
Brian Johnson Police
Gabriel Ting Police
Brian C. Daly Police
Mark A. Woynar Public Works

Robert J. Zakaitis Public Works

10 Years

Joshua Cicia Communications

Joy A. Jolie Police

Gregory D. Wise Police

Guilford B. Mooring Public Works

James J. Jordan Public Works

Erik A. Bardwell Public Works

Michael K. Moore Public Works

Paul G. Dethier Public Works

Melissa Ricker-Horton Treasurer/Collector

Hired in July, The Human Resources Director conducted an extensive audit of existing Town Human Resources policies and practices to identify whether they are legal, effective and adequate and to identify additional policies or practices that need to be created, revised, or improved. Findings included a positive and motivated management team, good overall morale, collegial relations with bargaining groups, a valued salary and benefits package, robust and underutilized HRIS capabilities, pockets of exemplary professional development and a genuine desire town wide for HR support. Some challenges include an outdated non-union compensation structure, a desire for more professional development opportunities, old HR policies processes and procedures, more employee recognition and more training. In collaboration with the Town Manager and department heads, the Director developed a multi yearplan for developing a stable and progressive organization of the Human Resources function in Amherst.

The Human Resources Department led a vigorous United Way Campaign which resulted in record employee giving and the Town receiving The Spirit of the Community Award from the Pioneer Valley United Way.

The Town bid farewell to its retiring labor counsel James Connor and welcomed labor counsel for Kopelman & Paige PC to commence negotiations with all bargaining units during FY 13 for successor agreements to those expiring 6/30/13. The Town's Policy Against Sexual Harassment and Unlawful Harassment was updated and reissued to all staff and Town boards and committees. In May, the Town Manager approved a recommendation by the Insurance Advisory Committee to issue a one month health insurance premium holiday and to freeze health insurance premium rates for another fiscal year at current levels. By year's end, 20 members of the managerial and professional staff in 9 departments had completed extensive training programs in leadership and supervisory skills development offered by UMASS and Leadership Pioneer Valley, and a sustained collaboration was created for future Supervisory Leadership Development Programs at UMASS.

Personnel Board Report:

The Personnel Board was active and met eight times during the year, with Flo Stern continuing as Board Chair. The Board heard and acted on requests to initially classify or reclassify 5 positions, including 2 professional positions at the Library, an Assistant Town Manager/

Director of Conservation and Development, an LSSE After School Coordinator and a Senior Planner (previously Associate Planner). The Board reviewed town wide drug and alcohol testing policies, the exit interview process, and the Police Against Sexual Harassment and Unlawful Harassment. The Board supported the Town Manager's recommendation of a 2% cost of living increase for non-union employees and a one month health insurance premium holiday for all eligible employees, and communicated this support at the March 20, 2013 meeting with non-union employees. At its May, 2013 meeting, the Board reviewed and approved a draft Scope of Services for a Request for Proposals to conduct a comprehensive Non-Union benefited personnel Classification and Compensation Study, and looked forward to working with the Town Manager, a professional consultant and non-union staff to complete the study in FY 14.

AMHERST HUMAN RIGHTS COMMISSION

Fiscal Year 2013

There were many highlights in FY 13 for the Human Rights Commission.

The Chair participated in the search process for a new Director of Human Resources and Human Rights, who began working for the Town on July 16th. In September, a part time Human Rights Coordinator was hired for the balance of the fiscal year to provide direct support for the Commission's work.

The Commission's mission to increase its visibility was enhanced by its Facebook presence and Human Rights Commission blog on the Town intranet. The Commission held 9 public meetings throughout the fiscal year. Halfway through the year, longtime Chair Reynolds Winslow relocated out of Amherst and relinquished his seat on the Commission. Greg Bascomb was elected Chair by his colleagues. For the first time in memory, all 9 seats on the Commission were filled, complete with representation from both the high school and university communities. During the year, the parameters of the Open Meeting Law, Conflict of Interest laws and the Amherst Appointed Committee Handbook were discussed and understood by the Commission. Concern for the lack of a dedicated budget for the Commission in light of the renewed energy and enthusiasm of its members led to a meeting with the Town Manager in April to explore ways of increasing collaborations and leveraging existing relationships with other community organizations. This remains an ongoing concern for the HRC.

The Director reviewed or investigated and responded to 6 inquiries or complaints brought to her attention during the year.

Much of the Commission's work occurred at its numerous events:

On December 9, the Commission and Amnesty International co sponsored a Human Rights Day Forum with guest speakers and musicians at the Jones Library.

On December 10, the Commission held a candlelight vigil on the North Common and participated in a community reading of the Universal Declaration of Human Rights, originally adopted by the General Assembly of the United Nations 65 years earlier in 1948.

2013 began with ringing of the bells in churches throughout Town and a gathering of 100 or so residents on the steps of Town Hall to celebrate and pay respect to the 150th anniversary of the Emancipation Proclamation. Longtime resident and retired Amherst College Professor Robert Romer shared the greetings of Governor Deval Patrick, who declared January 1, 2013 as Emancipation Proclamation Day in the Commonwealth of Massachusetts. The Proclamation urged all the Citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance. The Proclamation further acknowledges the contributions of the 54th Regiment Massachusetts Volunteer Infantry comprised of African American troops, whose assault on Fort Wagner in July 1863 did much to advance the abolitionist cause. Approximately 25 local African Americans enlisted in the Union Army through the Amherst portal, including

several who served in the 54th regiment. Professor Romer and Select Board Chair Stephanie O’Keeffe led the assembly in a reading of the Proclamation.

The Commission paid tribute to Black History Month throughout the month of February. On the 16th the Commission produced BHM Paint the Town, collaborating with downtown businesses and local artists to paint storefront windows with scenes commemorating African American achievements. The Commission also produced and promoted “BHM-Unplugged”, an evening of spoken word, song and poetry on February 21st by young African American artists, held to a sizable crowd in the Town Hall.

In March and April, the Commission occupied itself with identifying and prioritizing its major activities of interest to individual members, with the goal of establishing a predictable series of annual events and programs that can be planned and budgeted.

The Commission’s work for the year concluded on June 19, with its annual Youth and Elder Heroism Awards and Picnic occurring during the Start of Summer Community Block Party on the Town Common. Receiving awards this year will be ARHS graduating Seniors Zihui Adams, Dominik Doemer, Regina East and James Kirwin; ARHS students Benjamin Thiessen and Xaq Kruezer-Land; Crocker Farm students Wesley Killough-Hill, Daudy Guerrero and Eva Ross-Perkins; and Fort River Elementary School students Jenna and April Schilling. Also receiving an award was community Elder and retiring Human Rights Commissioner Reynolds Winslow. All winners received a framed Certificate and a glass globe and pedestal from The Blue Marble.

Greg Bascomb, Chair
Lois Raj
Kathleen Anderson
Carol Ross
Ingrid Askew
Emily Jung
Liam Brodigan
Damon Mallory
Sid Ferreira

INSPECTION SERVICES

Fiscal Year 2013

The goals of this department are accomplished through the enforcement of building, electrical, plumbing, mechanical, and fire protection codes for residential and commercial construction. This department receives applications for permits, reviews plans to ensure compliance with applicable codes, issues permits for construction, and performs inspections to confirm work is completed according to approved plans and in compliance with applicable codes.

This department issued a total of 2,792 permits this fiscal year. Total construction value for all permits issued by this department was \$115,368,412 which produced \$636,963.03 in department revenue.

This past year we've continued to see an increase in commercial construction activity with projects such as Amherst College Seligman Dorm renovation and addition, construction of a 5 story mixed use building on West Street, completion of the renovation and expansion of Atkins Farm, and construction of a new medical building on Research Drive.

Activity associated with restaurants in fiscal year 2013 included the new Glazed Doughnut Shop, El Comalito, Oriental Flavor and the expansion of Mission Cantina.

This department is also responsible for the periodic inspection and certification of certain buildings and structures. These include annual inspections of public and private schools, daycare facilities, residential apartment buildings, places of assembly and restaurants. There were 178 applications for inspections this year.

Enforcement of the Town's Zoning By-law is also a function of this department. Applications for permits are reviewed for compliance with all zoning provisions including allowable use and occupancy. Staff also performs investigations and responds to complaints to ensure that activities, including those other than construction, are not in violation of the By-law.

This year also marked the first full year of Code Enforcement with respect to residential rental properties. The Town recently hired a full time Code Enforcement Officer responsible for responding to complaints associated with rental properties, contacting and educating landlords and working with property owners to gain compliance with the Town's regulations. The Code Enforcement Officer is also an agent of the Board of Health and is charged with ensuring compliance with all codes and regulations pertaining to a safe and healthy living environment.

Inspection Services staff worked closely with the Safe and Healthy Neighborhood Working Group and assisted with the development of a new general bylaw to register and permit all residential rental properties. The new regulation was adopted by Town Meeting in spring of 2013 and Inspection Services has begun preparing for the new program's implementation in January 2014.

JOINT CAPITAL PLANNING COMMITTEE

FY 13 Recommendation Summary

The Joint Capital Planning Committee (JCPC) recommends that 6.50% of the local property tax levy be committed to the capital plan for Fiscal Year 13, an increase of 0.05% from FY 12. This brings the percentage back up almost to the level in FY 10, after an all-time low of 5.64% in FY 11. To meet this limit JCPC has postponed more than \$407,285 in expenditures initially proposed for FY 13.

In addition to property taxes, money for the recommended Five Year Capital Plan will come from enterprise and other special purpose funds of the Town, grant funds from the federal and state government and from unexpended balances from previously authorized capital projects. Besides funding outright purchases, the capital budget pays off debt incurred previously for capital projects; the FY 13 plan includes the second year of debt service on \$4.5 million in borrowing Town Meeting approved in November 2010 to start repairing the Town's deteriorating roads.

In addition, the Community Preservation Act Committee recommends projects to be paid for from Community Preservation Act (CPA) funds as detailed in the separate report from the Community Preservation Act Committee. These projects are shown in purple type in the later pages of this JCPC report, as is a total of \$123,834 for repayment in FY 13 from CPA funds of debt incurred for previously approved CPA projects and \$407,000 for various building and facilities projects.

Recommendations for FY 13 General Fund capital plan funding total \$3,153,200 and include \$1,488,804 for equipment, \$426,396 for buildings and \$1,238,000 for facilities.

Why Capital Planning?

JCPC, comprising two representatives each from the Select Board, School Committee, Jones Library Board of Trustees, and Finance Committee, advises the Town Manager, Finance Committee, and Town Meeting on the capital needs of the Town. It was organized in 1992 as the Town began to recover from the fiscal crisis of the early 1990s, when state aid was reduced, property tax limits were imposed, and the Town used reserves and unexpended capital appropriations to balance three years of operating budgets. Capital needs were so neglected that antiquated equipment did not work; building maintenance and repairs fell far behind. It has taken 20 years of careful planning and management to get equipment on regular replacement schedules and buildings free of some of the health and safety problems that arose from failure to keep up those facilities during that period.

After several years of decreased state aid, many cities and towns, including Amherst, are faced with often-conflicting needs to meet increasing operating expenses, satisfy capital needs, and rebuild reserves. The Financial Management Policies and Objectives adopted by the Finance Committee in January 2008 and reviewed by JCPC acknowledge the need to adequately fund a viable multi-year capital plan to maintain infrastructure, replace worn equipment, and provide for other long-range capital assets.

What are Capital Improvements?

A capital improvement is a tangible asset or project with an estimated useful life of five (5) years or more, and a cost of \$5,000 or more. Among the items properly classified as capital improvements are:

- New public buildings, or additions to existing buildings, including land acquisition costs and equipment needed to furnish the new building or addition for the first time;
- Major alterations, renovations, or improvements to existing buildings that extend the useful life of the existing buildings by ten (10) years;
- Land acquisition and /or improvement, unrelated to a public building, but necessary for conservation or park and recreation purposes;
- Major equipment acquisition, replacement or refurbishment, including but not limited to vehicles, furnishings, and information technology systems' hardware and software; or other items that combined in purpose together make it a Capital Project;
- New construction or major improvements to Town's physical infrastructure, including streets, sidewalks, storm water drains, the water distribution system, and the sanitary sewer system. Infrastructure improvements must extend the useful life of the infrastructure by at least ten (10) years to be appropriately classified as a capital improvement;
- A feasibility study, engineering design services, or consultant services which are ancillary to a future capital improvement project.

How Are Capital Needs Prioritized?

JCPC reviews requests for capital plan funding that meet several criteria. Successful capital planning facilitates postponing some capital expenditures in favor of others as part of the planning process. JCPC has adopted the following guidelines for prioritizing capital projects, with examples listed in parentheses. The guidelines themselves are not necessarily listed in priority order:

- Imminent threat to health and safety of citizens, employees or property (police cruisers and radios, self-contained breathing apparatus for firefighters);
- Maintenance and improvement of capital assets (major repairs of buildings, replacement of vehicles and equipment, park and play area renovations);
- Requirement of state or federal law (asbestos cleanup program mandated by federal law in 1986, removal of gas tanks, etc);
- Improvement of the infrastructure (streets and sidewalks, water and sewer programs);
- Improvement/maintenance of productivity (equipment replacement, computer hardware / software);
- Improvement of an overburdened situation (Town Hall renovations, cemetery expansion program);
- Newly identified need (recreation fields);
- Priority assigned by Department (Very High, High, Medium, Low); and
- Consistency with and in furtherance of long-term planning objectives of the Town (Master Plan, Climate Action Plan, Historic Preservation Plan, etc.).

Where Does The Money Come From?

Funds for the recommended Five Year Capital Plan will come from the same sources as before: property taxes, enterprise and other special purpose funds of the Town, grant funds from the federal and state government, and from unexpended balances from previously authorized capital projects. This plan assumes commitment of 6.50% of the local property tax levy in FY 13.

Earlier capital plans used as much as 10% of the tax levy, which along with the other resources was enough, or almost enough, to keep up with renovation and maintenance of existing buildings and equipment replacement, but not enough to cover significant new projects. We haven't come close to this goal since FY 07.

Using just 6.50% of the levy, JCPC has had to postpone or eliminate more than \$407,285 in expenditures initially proposed for FY 13.

The Recommended Capital Plan – A One Year Budget, A Five Year Plan

The General Fund Five Year Capital Plan for FY 13-17 includes voted appropriations from FY 12, a proposed budget for FY 13, and a tentative plan of capital investment for the period FY 14-17. Next year JCPC will update the plan to balance projected expenditures with projected available revenues for subsequent years. The total capital budget in any fiscal year is comprised of direct cash expenditures for capital items, debt service (interest and principal) on all prior bonded expenditures, and debt service on new authorized and issued bonds, if any. The plan is organized into three categories of projects: major equipment (vehicles, technology, etc.), building needs, and facilities needs (road maintenance, parks, open space, etc.). Included in the plan are recommendations developed by the Community Preservation Act (CPA) Committee for eligible community housing, open space, historic preservation, and recreation projects funded from the local voter-approved 1.5% property tax CPA surcharge and matching state funds. JCPC appreciates the CPA Committee's cooperation and coordination of their recommendations to allow presentation of both plans at the Annual Town Meeting. Recommendations for FY 13 capital plan funding total \$3,153,200, plus Community Preservation Act projects of \$530,834 and include the following:

Equipment [Note: Included in 2012 ATM Article 16 unless otherwise noted]

JCPC recommends a total of \$1,488,804 for equipment items. Of this total, the Ambulance Fund supplies \$255,000 for a new ambulance and defibrillators; borrowing accounts for \$275,000 for police radio equipment and a large DPW sander truck; repurposed old capital appropriations account for \$33,000; and taxation funds the remaining \$925,804.

Town technology infrastructure equipment replacement (computers and network equipment) is recommended for \$123,000 and includes scheduled replacements of servers, PCs, printers, routers, switches, and other critical Town technology systems. Other Town technology-related items include \$16,500 to purchase a high volume photocopier for Town Hall, \$25,000 to upgrade the Wi-Fi system in the Town center and public buildings, and \$10,000 to continue scanning public documents in order to reduce storage demands in Town Hall and increase public access to these documents.

JCPC recommends \$140,000 for the replacement of four police cruisers. The Amherst Police Department currently utilizes 11 marked police vehicles (black and white) and 3 unmarked police vehicles (silver) for routine patrol. Chief Livingstone has revised the department's longstanding protocol for vehicle replacement by replacing patrol vehicles after they reach approximately 100,000 miles and administrative vehicles after they reach approximately 120,000 miles. This results in a reduction from four to three for the annual replacement of vehicles and the need to replace an additional fourth vehicle only once every three years on average. This year is one of these years when we need to purchase four vehicles. In addition, \$125,000 is recommended to replace completely the Police radio system. Federal regulations require all public safety radio systems to convert to a narrow-band system by January 2013.

Fire equipment includes \$18,000 for thermal imaging cameras, and \$24,000 to replace portable radios on Engines 3, 4, 5 and the Ladder truck. The original thermal imaging cameras were procured for the Fire Department through a fund-drive in 2000 after the Worcester Fire Department lost seven firefighters in the Cold Storage Warehouse fire in December 1999. The shelf life is 10 years and the units have begun to experience failures and need to be replaced. New technology also makes the units more efficient and lighter, and gives a clearer picture of the environment in smoke. Thermal imagers are essential equipment for today's firefighters to locate trapped victims in a building and to locate fire hidden in walls and ceilings. This is the final year of a three-year replacement project. The Fire Department must replace its backup communication equipment in order to comply with federal requirements for narrow band public safety radio equipment. The portable radios are due for replacement; they were procured originally under a federal grant in 2002. This is year two of a three year ongoing effort to replace our portable radios. Most of the portable radios on the engines, ladder, and ambulances are near the end of their service life of 10-12 years. In FY 12 the Fire Department replaced twelve portable radios on Engine 1 and Engine 2. In FY 13 the Department will replace the portable radios on Engine 3 and Engine 4, and on five ambulances for a total of twenty-four new units. The Department is also using \$255,000 of Ambulance Funds to replace an ambulance purchased in 2003 that has over 173,000 miles and to replace five defibrillators.

The Public Works Department is recommended to receive three badly needed trucks. These include \$60,500 for a one ton dump truck with plow assigned to the Highway Division, \$40,000 for a ¾ ton pickup truck with plow for the Trees and Grounds Division, and \$150,000 from a proposed bond for the purchase of a large dump truck/sander. This replaces a truck that was so rusted out that the firewall between the cab and the engine compartment fell away while a DPW employee was driving it this year. This truck is one of the major pieces of equipment the DPW uses to sand streets during snowstorms. There is an additional \$20,000 recommended to purchase the snow plowing and sanding equipment to accompany this truck. The DPW is also recommended to receive \$15,000 of General Fund monies to combine with funds from the Water and Sewer Enterprise Funds for a total of \$30,000 to replace its emergency generator. During the October 2011 snowstorm, the existing generator at the DPW building would not function properly. Upon examination, several components of the generator failed to operate. This caused the DPW to have no communications, computers, emergency lighting, heat, or power to the fuel pumps that supply

the snowplows and other snow fighting equipment in the midst of the storm.

The Cherry Hill Golf Course will receive funds for the second of three lease payments for the purchase of a fairway mower. Last summer the Golf Course bought a new mower to replace the National Triplex mower at the golf course. The old mower had well over 10,000 hours on it and was 24 years old. It was constantly being repaired and had become increasingly expensive to maintain. The new mower was bought with a three year lease, with payments of \$14,154.13 each year and a buyout of \$1.00.

Library equipment includes an annual allocation of \$20,000 for technology infrastructure and \$5,000 for photocopier replacement. Technology acquisition and maintenance at the libraries are overseen by and coordinated with the Town's IT Department. In addition, the Committee recommends allocating \$20,000 for the purchase of 16 security cameras for the Jones Library Building.

Recommended School equipment items total \$407,650, including \$90,000 to replace one of the eight schools buses and maintain a schedule of using those buses as front line vehicles for ten years, and \$50,000 to replace a handicapped accessible van that has a chairlift. \$33,000 is recommended from repurposed former capital spending appropriations to purchase a truck used for grounds maintenance, snow removal, and crew transportation. In addition \$19,550 is recommended for multimedia audio/visual equipment, \$181,200 for computer equipment for replacement of servers, switches, desktops, printers and similar computer and networking equipment and to update and maintain the network infrastructure, \$3,900 to maintain the Schools' telecommunications infrastructure, and \$30,000 to replace three photocopiers in elementary schools.

Buildings [Note: Included in 2012 ATM Article 17 unless otherwise noted]

JCPC recommends a total of \$426,396 for building repairs and renovations, \$184,000 of which is funded through borrowing and \$242,396 through taxation. The most important building need is for \$85,000 to purchase and install an emergency generator at Town Hall. During the October 2011 snowstorm, Town Hall was without power and the Town phone system, internet, and Town Hall connection to 911 were not operational. This generator will maintain full functioning at Town Hall, including computers, the phone system, lighting, and heating, so crucial emergency communication systems will continue to function and Town Hall can serve as an Emergency Operations Center during severe storms or other emergencies. \$25,000 is recommended for building envelope repairs for all town buildings. The Facilities Director asked that this sum be set aside to cover the costs of unexpected repairs to roofs, HVAC units, and other items that arise during the course of the year.

The Bangs Community Center recommendation is for \$10,000 for exterior building repairs, principally for repairs to windows that no longer operate properly.

The Fire Department Headquarters, the Central Fire Station, is in need of major repairs. \$184,000 is recommended to be bonded to repair the station roof and apparatus floor. An engineering study and Health Department inspection have shown deficiencies that cannot be allowed to continue. The compromised integrity of the roof system allows water to enter

various work and living spaces throughout the building. The condition of the roof is directly related to the age and overall deteriorating condition of the Central Fire Station. This has led to ceiling damage, damage to painted surfaces, and interior air quality issues. The ceiling damage has also compromised the insulation in top floor work spaces. It is difficult to maintain a temperature range which is considered adequate for day to day activities. The repairs would entail replacing a three section flat roof, two shingle roofs and repair of a chimney. Due to age, wear and corrosion the Central Station apparatus floor has deteriorated to a point where safety concerns are elevated. A major portion of the floor is also the ceiling of a basement area. Exposure to water, chemicals, and the ever increasing weight of Fire and Rescue vehicles is steadily decreasing the structural integrity of the floor. Concrete is spalling at the surface and in the basement area. Steel reinforcement bars are exposed and corroding. Cracks in the floor allow fluids to leak through to the basement area. Fuel supply lines to the station furnace have been replaced because of fuel leaks caused by exposure to fluids leaking through the apparatus floor to the basement area. The project would entail resurfacing the floor and addressing the issues of structural integrity.

The Police Station is now 21 years old and \$20,000 is recommended for interior maintenance repairs including repairs to ceiling tiles, carpeting, and walls that have worn out. The condition of some areas has deteriorated to the point that it creates tripping and other safety hazards. This is a mission critical building and these repairs will preserve its functionality and protect the safety of the public and of the police staff working in the building.

Public Works recommendations include \$5,000 for ongoing facility improvements/repairs at the DPW Garage. This annual request is used to do capital upgrades that are unexpected and unplanned during the year. In addition, \$20,000 is recommended for security system upgrades at comfort stations at Groff Park and War Memorial Park. This system, which is integrated with existing systems at DPW buildings, the Police Department, and School buildings, will allow the DPW automatically to lock and unlock the doors to the comfort stations allowing the buildings to be locked at night to prevent people from living there. In those cases when there are special events at those locations, the buildings doors can be opened remotely to allow public access.

\$10,000 is recommended for repairs to the Hitchcock Environmental Center. The Hitchcock Center building is owned by the Town and managed by the Conservation Department. The Town is responsible for the exterior of the building while the Hitchcock Center, Inc. maintains the heating, septic, and other interior features. Deferred maintenance is very evident on the outside of the building – window sills and sections of the exterior wall are rotting. This project will replace the second floor emergency door/casing and a few windows/casings, which have also rotted. This allocation may also fund replacement of wood damaged by insects and of some gutters and downspouts.

JCPC recommends \$67,396 for various projects at school buildings, including \$5,000 for ongoing school security upgrades, such as installing replacement locks, and crash bars, location identification for police and fire, and communication systems radios and Public Address upgrades and \$5,000 for ongoing asbestos management. This year the School

Department will abate the Fort River School boiler room. \$10,000 is recommended to make modifications to and upgrade software in the 10-year-old energy management system. If this is not done, energy costs will rise due to lack of control. \$23,500 is recommended so that some of the exterior doors at the Fort River School and at the Wildwood School will be replaced; they have rotted out from exposure to the weather. \$17,000 is recommended for upgrades to the burglar alarm system so that it will notify the Police Department of the exact location of alarms, e.g., that door A3 is opened improperly. Finally, JCPC recommends \$6,896, which the School Department will use in conjunction with operating funds to pay for preliminary engineering studies to prepare plans for replacing the boiler at the Wildwood School in FY 14.

Facilities [Note: Included in 2012 ATM Articles 15 and 17 unless otherwise noted]

A total of \$1,238,000 is recommended for facilities needs, of which \$126,000 is funded via taxation and \$500,000 for road maintenance and repairs is funded by state Chapter 90 funds. Article 18 seeks authorization for \$612,000 of bonded indebtedness to fund the acquisition of street trees.

JCPC recommends \$50,000 for North Amherst Center studies and improvements. In conjunction with the village center rezoning plan, water improvement planning, and pending private and public development projects in North Amherst, these funds are recommended to: 1) conduct a traffic engineering study of the intersections of North Pleasant/Pine/Meadow Streets and at North Pleasant Street/Sunderland/Montague Roads and to develop preliminary plans for redesign and relocation of that latter intersection and 2) to fund public streetscape improvements and other public infrastructure improvements in association with near-term private and public development projects. Another \$40,000 is recommended for consulting services for rezoning the Gateway area and Town Center. In implementation of action steps recommended in the final report of the Gateway Corridor Project and the Amherst Master Plan, this funding request will complete visioning and the development of new form-based zoning for the Gateway Corridor area and the rest of the Town Center as a continuous center.

Public Works related items include \$30,000 to continue a multi-year project to tackle the backlog of sidewalk repairs that have accumulated. This money will be pooled with the Chapter 90 money to address the sidewalks on town streets. JCPC also recommends \$6,000 to allow the Public Works Department to re-lamp a portion of the existing streetlights each year with more energy efficient bulbs. These funds will also be used to replace existing residential lampposts in many of the older neighborhoods with underground power services.

JCPC recommends \$612,000 to be funded with a five year bond issue to support a town-wide tree planting program. Over a three year period, this program will plant a minimum of 2,000 trees along Amherst's roads, parks, commons, and schools and to prune, mulch, fertilize, and in general provide much needed plant health care to the town's public trees. Staffing for the project may be provided through two paid internships with students from the Stockbridge School of Agriculture at UMass. Trees planted along the public right of way will be sited using right tree/right place guidelines and will utilize M.G.L. Chapter 87 setback tree planting options when an appropriate site is not available within the public right of way. Trees will also be sited to maximize energy conservation around town buildings, shading of parking

areas and mitigation of storm water runoff. This appropriation will also allow the Public Works Department to acquire a truck and other small equipment to support this program.

Key Capital Planning Issues Going Forward

The Five Year Capital Plan is out of balance by approximately \$1.7 million, if spending on capital remains at 6.50% of the property tax levy. The five year plan is more in balance if spending increases incrementally each year by 0.50% to reach 8.5% of the tax levy in FY 17. In addition, requested items totaling \$750,104 were completely removed from the Plan because of lack of funds. The Plan identifies several major projects on the horizon, including repairs and renovations of Fort River and Wildwood elementary schools; dredging and beach and trail improvements at Puffer's Pond; and a new fire station. Many other projects large and small will compete for scarce resources. Because Amherst's debt level is much lower than that of communities with comparably high bond ratings, larger projects might prudently be financed by borrowing, with debt repayments included in the capital plan for future years. But this will be possible only if the Town increases funding allocations to the capital budget over a period of years as recommended by the JCPC and the Finance Committee, either through increased general tax support or earmarked property tax support via a debt exclusion override. An adequately funded capital plan should be a critical component of any long-term financial plan for the Town.

JOINT CAPITAL PLANNING COMMITTEE

Katherine Appy, School Committee

Carol Gray, Library Trustees*

Emily Lewis, Library Trustees

Kay Moran (chair), Finance Committee

Doug Slaughter, Finance Committee

Rob Spence, School Committee

Diana Stein, Select Board Jim Wald, Select Board

Staff Liaisons: Sanford Pooler, Finance Director,

Sonia Aldrich, Comptroller

* Seven JCPC members support this report. Ms. Gray voted against it and plans to submit her own report.

KANEGASAKI SISTER CITY COMMITTEE

Fiscal Year 2013

Committee Members: Denise Boyd, Florence Boynton (Treasurer), Eli Cohen, Aaron Kropf, Helen MacMellon (Vice-Chair), Julia Mahoney, Kathleen Woods Masalski (Chair), Nancy Pagano (Staff Liaison), Diana Stein (Select Board Liaison), William Stenzel

Between July 1, 2012, and June 30, 2013, the Kanegasaki Sister City Committee (KSCC) remained dedicated to its purpose: to promote friendship and ongoing relations with the Town of Kanegasaki, Japan, Amherst's sister city since 1993. To accomplish this purpose, the Committee sponsored special events and maintained contacts amongst residents, educational and governmental bodies of the two communities that contributed to the mutual benefit of each. Following is a rough chronology of events related to the KSCC charge during fiscal year 13.

Throughout the year, KSCC Chair, Kathy Woods Masalski, continued to work organizing the KSCC archives located in the Jones Library Special Collections and interviewing individuals who were involved with the establishment of our sister-city relationship at Amherst Media, our cable television station.

At the August meeting, Bessie Young, recent Amherst College graduate, gave the Committee and Amherst Senior Center guests a power point presentation of her photographs about care for the elderly in Japan after her recent two-week stay in Kanegasaki. The KSCC was proud to have had a major role in working with Mayor Takahashi and the Kanegasaki Life Long Learning Center to make this visit possible. During her visit, Bessie stayed in and/or visited in three elder care group homes.

In October, the Committee welcomed new members, Tina Swift, from the Jones Library staff and Will Stenzel, a recent graduate of the UMass Asian studies program. Nancy and Denise put together a package of Halloween items which was sent over to Kanegasaki Middle school students, together with a description of our Halloween traditions. Also, the Committee began brainstorming ideas for next year's 20th anniversary celebration. Kathy Woods Masalski is heading the KSCC sub-committee planning the associated events.

In November, the Committee received a letter from Mayor Takahashi accepting the KSCC invitation to bring a delegation to Amherst from September 29th – Oct. 3rd, 2013, for the 20th anniversary celebration of the Sister City friendship agreement. The committee started a comprehensive review & update of its "old members/friends of the KSCC mailing list" with an eye towards future fundraising to help support the upcoming 20th anniversary celebration. Fundraising, finding local sponsors and Town funds for these various events will be important.

The bulk of the meetings in January, February and March were taken up with the many details of the March 20-24th Kanegasaki student visit to Amherst. This year we had a large group of 17 middle school students, 3 chaperones and a Japanese tour guide. Eight families provided home stays for the students and the chaperones stayed at the newly renovated Lord Jeffrey Inn

(which they loved). Some highlights were attending classes with Amherst students, visiting the Emily Dickinson Museum, touring Yankee Candle, having a bowling party, and performing for the host families and KSCC at the Farewell Potluck at the Amherst Regional High School. Middle School Guidance Counselor and KSCC member, Denise Boyd, continues to put a tremendous effort into organizing this annual visit for the Amherst Regional Middle School. She reports that it gets harder each year to find host families, probably as a result of Amherst not sending our students over to Kanegasaki. The KSCC hopes that the ARMS somehow finds a source of funds to send Amherst students to Kanegasaki as they have in the past.

At the end of March, Nancy and Helen attended a dinner at the residence of the Consul General of Japan in Boston. Representatives from ten sister city committees across the state attended and gave brief presentations of their activities. Nancy gave the KSCC presentation about Amherst's sister city activities over the past 20 years.

AMHERST TOWN LIBRARIES
The Jones Library, Munson Memorial Library, North Amherst Library
Fiscal Year 2013

Vision Statement: We believe in the freedom to read, learn, discover, and change lives.

Mission Statement: We serve and inspire people of all ages by providing multi-cultural resources for lifelong learning. We welcome everyone to our historic buildings. We celebrate Amherst history and literary heritage, including local poets Emily Dickinson and Robert Frost.

The Friends of the Jones Library System

This year's *Annual Report* begins with thanking the Friends of the Jones Library System. Without their active participation in fundraising and advocacy, Jones Library patrons would see fewer services.

The Friends' fundraising activities fund new materials for Library collections and maintain the Kinsey Memorial Garden. The Woodbury Fund, a bequest to the Library, was restricted to Friends' approved projects and the first project completely renovated the downstairs meeting room, now called the Woodbury Room. The Friends also fund free public programs featuring talented musicians, poets, chess teachers, writers, artists and activities which afford teens safe, enjoyable after school activities. The Friends bring you free and discounted admissions to cultural institutions such as the Museum of Fine Arts in Boston, MASS MoCA, the Eric Carle Museum, and the Holyoke Children's Museum. For more information about the Friends, please visit their blog at <http://www.friendsofthejones.org/>

Borrower Services

In May of 2012, as a member of C/W MARS, the Jones Library and branches switched to Evergreen. This software change was designed to save money and facilitate custom software. Implementing Evergreen was extremely stressful for patrons and staff due to the frequent circulation computer crashes. However, the circulation function has improved and staff can quickly access patron information enabling quick retrieval of requested materials. Patrons are pleased to have more control over their own account and their requests for items. Amy Anaya and the Circulation staff thank all patrons for their patience during this transitional period.

Technical Services

In November 2012, Roxanne Boyd was hired to serve as a Technical Services Assistant. Prior to this, Roxanne has been an invaluable employee for over 10 years working in all three buildings as a part time employee. Carolyn Platt and the Technical Services staff are happy to have Roxanne as part of their team.

Collections

Also in November 2012, Linda Wentworth was hired to serve as the Library's Head of Collections. Previously, Linda was the Director of the Leverett Library for nine years. Linda's first goal was to improve the browsing experience for patrons and she did this by adding "New" sections and simplifying displays. Linda also oversees the Library's book groups. Examples include Seth Rothberg's "Classics Book Discussion," (recent selections include *David*

Copperfield, Portrait of a Lady, To the Lighthouse, and Middlemarch) as well as a scholar-led book group titled the “People of the Book” which occurs monthly during the school year.

Information Services

In FY 13, thanks to the efforts of Matthew Berube and Hank Allan, technology upgrades included acquiring the latest presentation technology for the Woodbury Room and the replacement of all public internet computers in The Jones Library’s Reference Room. Our popular E-Reader Lending Program, which began in 2012, reached a milestone of 250 unique checkouts in FY 13. Through this program, many of our patrons have experienced reading on an e-reader or tablet for the first time. After instituting online courses from Ed2Go (now Learn4Life) in November 2012, our patrons had enrolled in over 120 courses in just eight months. Student comments include:

- “This is one of the best training workshops I have seen. I highly recommend it.” (Course: Get Grants!)
- “As an absolute beginner, I found this course to be extremely well-designed and organized.” (Course: Creating WordPress Websites)
- “I’m glad I took the course. It provided a good overview and was time well spent.” (Course: Computer Skills for the Workplace)
- “I thoroughly enjoyed this class, looked forward to each lesson.” (Course: Listen to Your Heart, and Success Will Follow)
- “Great class. I appreciate these courses. I find them to be interesting, informative, and easy to process. I plan to take as many as I can.” (Course: Intermediate QuickBooks 2013)

Young Adult Services

In January of 2013, Tomi Eve was hired to serve as the Library’s first Young Adult Services Coordinator. She had served as an Assistant in The Jones’ Children’s Room for over eight years and before that, she served as Director of the Little Red Schoolhouse for four years. Tomi designated space for young adults in the Library’s lower level and added a large table and some chairs. She invited the young adults to use the Library’s Craft Room. The maintenance crew did a great job of painting and shampooing the new area and Tomi slowly introduced herself to the young adults as they began to use the new spaces.

Tomi continues to work with other teen organizations in Town. She has met with the Volunteer Coordinator of the Amherst School System and the Director of the Boys and Girls Club of Amherst. She has met with the Middle School Librarian and the High School Librarian. Also, she has met with the people in charge of the Afterschool programs for Amherst Elementary Schools. Finally, Tomi has recruited a Teen Advisory Board (TAB), which is in charge of developing/hosting teen events. Their first Friday Fun Night was a dance party. Other teen programs include henna art, craft workshops, and teen socials. You can read about these activities here: <http://www.joneslibrary.org/teenblog/>

Youth Services

In June, after 33 years of service to the Town of Amherst and The Jones Library, Sylvia “Sully” Brinkerhoff retired from her position as Youth Services Assistant. She touched the

lives of so many children; her presence in the Children's Room will be missed for a very long time.

Sondra Radosh and the staff of the Library's Children's Room have always provided strong services which are loved and supported by the community. Examples of FY 13 events include "A Parenting Story" program for parents; a "Lego Club," led by Theresa Atteridge and Marcin Marszalek; "Woody Guthrie's Music;" an American Girl party; a Princess Party; Spanish Story Time; multiple craft workshops; local author visits; a "Read to a Dog" program; and an extremely active Summer Reading Club. We participated in the Jurassic Road Show, which was held on the Town Common, and the Business Improvement District's first annual Block Party. Also, the Friends continue to fund the "Every Child a Reader" program where every Amherst second grade class gets their own private Library tour, a new Library card, and a book to keep.

Programming and Outreach

In August of 2013, Janet Ryan was promoted from Reference Librarian to Head of Programming and Outreach. Janet has raised the quantity and caliber of adult Library programs.

The Jones Library offers a vibrant selection of programs for people of all ages, races and economic backgrounds. They contribute to our patrons' lifelong learning and they enrich lives by providing free entertainment, knowledge and community engagement. One of the highlights of the year was our "On the Same Page" program where the entire community was encouraged to read the book *The Brief Wondrous Life of Oscar Wao* by Junot Diaz. We expect to hold an "On the Same Page" program annually in March.

Other examples of adult Library programs from the past year include:

- the "Books Into Films" series where The Jones Library held book discussions, and the Amherst Cinema showed the film;
- our first ever Adult Summer Reading Program;
- "Hot Summer Saturdays Movie Matinees;"
- "Los Ríos Invisibles," which was presented totally in Spanish;
- Artist in Residence, Chris Demarest, brought his World War II Portrait Art to The Jones;
- "Edible Wild Plants of the Northeast;"
- The annual "jubilat" poetry series, which was sponsored by the Friends of the Jones Library System;
- "Money Smart Week," offered programs for all ages;
- "Reflections on the Immigrant Experience in Amherst;"
- "Food for Fines" allowed patrons to donate food to the Amherst Survival Center in lieu of fines;
- Our Homebound Delivery Program staffed by Library volunteers who delivered books to patrons who could not get to the Library.

Special Collections

Curator Tevis Kimball lists these highlights from FY 13 in Special Collections: group visits which included Karen Sanchez-Eppler, Professor of American Studies and English at Amherst College, bringing her Dickinson class to The Jones; and Jim Wald, Associate Professor of History of Hampshire College, brought his Historic Preservation class to Special Collections so his students could be introduced to the resources at The Jones which are used in historic preservation. Other groups which visited included a class of fifteen ninth graders from the Hartsbrook School in Hadley for an overview of Frost and Dickinson; students from South Korea for an introduction to Dickinson, Francis and Frost; a visit from a Lee University class; and a visit from the University of Michigan's New England Literary Tour, during which students created journals using no electronic equipment.

English as a Second Language (ESL)

Library ESL tutoring sessions have enabled immigrants to attain citizenship. For example, Ngeth "Annette" Ouch, a Cambodian homemaker, became a U.S. citizen and got her driver's permit after eight months, thanks to a dedicated volunteer tutor. As a driver, she will no longer need to wait for her husband to come home from work in order to shop or take her children to a doctor. Lynne Weintraub and our ESL volunteers have enriched our ESL students in many ways. Below is another success story.

Tina Gurung, a Tibetan refugee and ESL Center student since 2009, won a \$1,500 Educational Opportunity Grant from the Western Massachusetts Community Foundation. In conjunction with this grant, the Library's ESL Center was awarded \$100 in recognition of the one-to-one instruction we had provided for Ms. Gurung (which has enabled her to become a full time community college pre-nursing student after having worked as a part time restaurant worker).

North Amherst and Munson Memorial Branch Libraries

The Branch libraries have continued to thrive by adapting their services to meet the ever-changing needs of their communities. To do this, they have provided materials from distant libraries, they continue to explain the use of new electronic technologies such as e-readers, tablets and cell phones. The Branch libraries are a major public internet hotspot inside and outside of the building, and they continue to be a valuable part of the North and South Amherst Communities. Sue Hugus (Munson Memorial Library) and Maggie Spiegel (North Amherst Library) visit the Amherst schools and host very well attended Summer Reading Clubs which continue to be an active part of Library services for our young students and very young readers. The Branches are still, and will always be, important community resources which bring people and ideas together.

The Burnett Gallery

The Burnett Gallery's monthly exhibits, juried by a volunteer committee, showcase the work of local artists. The purpose of the Burnett Gallery is to provide a place where community artists and crafts people can show their work, particularly those without the reputation or resources which would enable them to exhibit at museums or commercial galleries. Collectively, the Library's exhibits reflect a variety of media, styles, cultural viewpoints, and levels of artistic experience. Applications for the Burnett Gallery may be submitted by individuals or groups from Amherst and surrounding towns.

Buildings and Facilities

Many thanks to the Town for their support in helping to maintain the Library buildings. George Hicks and the Building Maintenance staff worked hard to complete two very important capital projects, funded using Joint Capital Planning Committee (JCPC) and Community Preservation Act (CPA) funds, during FY 13 including the restoration of six chimneys and the replacement of a cooling tower.

The Chimney Restoration Project (CPA funding), was critical since falling pieces created a safety hazard. This project encompassed the complete re-pointing of all six historic stone chimneys on the original portion of the Jones Library and the replication of two architecturally significant chimney caps. The replacement of some bluestone crowns, sealing the chimney surfaces, and complete replacement of lead flashing was completed. Roy Brown Architects of Wilbraham provided architectural services for the project, and Galvin and Sons Masonry of Hadley were the general contractors. Completed in six months, the total cost for the project was \$104,800.

The Cooling Tower Replacement Project was funded through Town appropriated Capital Improvement Funds. Without a functioning cooling tower, air conditioning is not possible. The original 1992 cooling tower had rotted beyond repair, leaked and broke down regularly. Lindgren and Sharples of Springfield provided architectural services for the project, and the general contractors were Grodsky Service, Inc. of Springfield. The project was substantially completed in June of 2012 and the total cost for the project was \$74,685.

Community Partnerships

Thanks to the generosity of so many community partners, The Jones Library is able to provide excellent services to Amherst area patrons. Many thanks the following local organizations for their ongoing support of Library programs: Amherst Area Chamber of Commerce, Amherst Club, Amherst College and the Frost Library, Amherst Community Connections, Amherst Historical Society, Amherst Media, Amherst School District, Amherst Survival Center, Amherst Business Improvement District, Applewood, Emily Dickinson Museum, Hampshire College, Kanegasaki Sister City Committee, Thursday Club, the University of Massachusetts, and the UMass Library.

The Jones Library also has a fabulous working relationship with the other Amherst Town departments. For example:

- the Library actively advertises and promotes Leisure Services and Supplemental Education (LSSE) camp programs in the lobby and sells tickets to LSSE musicals;
- the Library's Children's Room co-sponsors the teen improvisational group, ACTSMART, which uses drama to address teen issues such as bullying, peer pressure and social and emotional issues;
- the Library hosts information tables at community events including the Schools' First Day Celebration and Latino Night Celebration;
- the Reference Department provides access to Town reports and other documents made available for public review; assists the schools in the selection of textbooks by making potential selections available for public review and comment; provides voter registration forms; and is available to assist Town departments and officials with research projects;

- the Library supports town-wide surveys (e.g., Waste and Recycling Survey) by providing print copies to residents upon request and by assisting residents in completing online surveys;
- the Library's ESL Department works with the Cambodian Social Services Coordinator in sharing naturalization information to ensure that elderly disabled refugees can become citizens; and works with the ESL Department at the High School to make sure families have access to services;
- the Library helps to promote Health Department seasonal information such as encouraging residents to get flu shots and learn about Lyme Disease;
- the Special Collections staff provides support to Amherst High School students, as they conduct research on Amherst buildings, as part of a long standing cooperative effort;
- the Library provides meeting room space to other Town departments;
- and as the Munson Memorial Library building is the voting location for precinct 8, Library staff are able to help the Town Clerk's office during elections.

The Jones Library also directly benefits from the advocacy efforts of the Massachusetts Library Association (MLA), the Western Massachusetts Library Advocates (WMLA), the Central and Western Massachusetts Automated Resource Sharing Network (C/W MARS), and the Massachusetts Library System (MLS).

Donor Generosity

The Jones Library is fortunate to have many generous donors led by the Friends of the Jones Library System (volunteers) who donated over \$14,283 for programs free to the public and an additional \$14,000 for books and other circulating materials through their Beds for Books program and their Valentine Basket Auction. The Jones Library (elected) Trustees raised over \$51,000 from many individual donors. Other donors include: the UMass Community Health Fund which has been most helpful by enabling workers to use payroll deduction to send contributions directly to The Jones; Amherst Club and Yankee Candle which support the ESL program; Amherst Garden Club which donates money to be used for the purchase of gardening materials; Amherst Historical Society which helps us with our gardens; Community Foundation of Western Massachusetts which raises money for us annually through their online Valley Gives program; Amherst Cultural Council which supports Library programming; Emily Dickinson Society which donates money to the Special Collections Department; and the Thursday Club which donates to the Munson Memorial Library.

The Jones Library, Inc. Endowment

The Endowment's balance on June 30, 2013 was \$7,307,860.58 and the separate Woodbury Fund totaled \$585,068.66.

Other

Last, but certainly not least, we need to mention the newest addition to the Library's Office. In January, Lisa Slocum, a resident of Amherst, was hired to serve as the Library's Receptionist. Lisa has been working part-time at The Jones for the past 14 years. She has experience working at the adult circulation desk, as well as in the Office as substitute Receptionist. If you haven't seen her in her new position, please stop by to say "hello!"

Trustees

Austin Sarat, President
Christopher Hoffmann, Vice President
Tamson Ely, Clerk
Robert Pam, Treasurer
Jon McCabe, Vice Treasurer
Michael Wolff

Special Thanks to the FRIENDS OF THE JONES LIBRARY SYSTEM!

Officers: Bonnie Isman, President; Lucy McMurrer, Past President; Mary Elizabeth Sitze, Vice President; Kathy Caputo, Treasurer; Nancy Gregg, Secretary.

Board Members: Edith Byron, Mike Giles, Ellen Goodwin, George Goodwin, Michael Greenebaum, Jean Jeffries, Lewis Mainzer, Dorothy Morse, Anita Page, Christine Stevens, Janice Thern, Bonnie Vigeland, Conrad Wogrin, and Barbara Ford (Beds for Books).

FY 13 at a Glance

| FY 13 Library Checkouts | |
|--------------------------------|---------|
| Books | 309,553 |
| Newspapers & Magazines | 14,164 |
| Audio & Visual Items | 180,761 |
| Electronic & Other Materials | 7,967 |

| Cataloged Collections Available June 30, 2013 | |
|--|---------|
| Books | 208,444 |
| Audio & Visual Items | 27,718 |
| Electronic & Other Materials | 23,609 |

| | |
|--|---------|
| Amherst residents with C/W MARS library cards | 21,749 |
| Interlibrary Loans received from other libraries | 56,133 |
| Interlibrary Loans provided to other libraries | 45,188 |
| Attendance | 281,659 |
| Number of reference transactions | 33,521 |
| Number of weekly users of Internet computers | 1,000 |
| Number of children's programs | 149 |
| Attendance at children's programs | 4,929 |
| Number of young adult programs | 10 |
| Attendance at young adult programs | 154 |
| Number of adult programs | 339 |
| Attendance at adult programs | 4,709 |
| Number of hours volunteered in Library system | 18,742 |

The Jones Library, Inc.
43 Amity Street
Amherst, MA 01002
www.JonesLibrary.org

For full statistical reports: <http://mbic.state.ma.us/advisory/statistics>

MUNSON MEMORIAL LIBRARY BUILDING TRUSTEES

Fiscal Year 2013

The trustees oversee the general use of the Munson Memorial Library Building and represent the building with respect to the Town and the community. The trustees deal with scheduling and rental issues, and setting fees for the non-library use of the building. The actual scheduling and collection of rental fees is done through the Senior Center staff at the Bangs Center.

The trustees revised the Munson Memorial Library Rental Policy, effective July 1, 2012. They also used money from the Munson Memorial Library Building gift account to purchase four lightweight, sturdy, folding tables for use in the auditorium for elections, etc. The trustees met several times throughout the year to get updates on the building, updates on building-related financial issues, and to address comments or requests from the community or staff.

Trustees

Janice Ratner, chair
Johannes Brongers
John Kick

PLANNING BOARD & PLANNING DEPARTMENT

Fiscal Year 2013

INTRODUCTION

This report summarizes the land use, planning, and zoning activities of the Amherst Planning Board and Planning Department during Fiscal Year 2013. In FY 13, in addition to the Planning Board, the Planning Department also provided principal staff support for the Zoning Board of Appeals, Design Review Board, Historical Commission, Local Historic District Study Committee and Local Historic District Commission, Town/Commercial Relations Committee, Amherst Redevelopment Authority, the Community Development Advisory Committee, the Housing and Sheltering Committee and Disability Access Advisory Committee. Please also refer to the Annual Report for each of those Boards and Committees for more information on their activities.

CURRENT PLANNING

As in previous years development issues, permit applications, and Zoning Amendments (including amendments related to Master Plan implementation) occupied much of the time of the Board and Department during FY 13.

Table 1 provides a statistical review of the Department's activities, including the various permits it oversees, and zoning and other regulatory changes.

Table 1

| <u>Planning Board – Land Use & Zoning Activity</u> | | |
|---|---|---------------------------------|
| A. | <u>Review & Action</u> | <u># of Applications</u> |
| 1. | Planning Board Special Permits | 1 |
| 2. | Form A (Approval Not Required) Subdivisions | 15 |
| 3. | Cluster Subdivision | 0 |
| 4. | Standard Subdivision | 0 |
| 5. | Subdivision Amendments | 0 |
| 6. | Subdivision Lot Releases | 0 |
| 7. | Subdivision/Site Plan Escrow Releases | 0 |
| 8. | Street Name Changes | 0 |
| 9. | Site Plan Review Requests | 13 |
| 10. | Sign Plans Approved/Signs Reviewed | 4 |
| 11. | Lighting Plans Approved | 0 |
| 12. | Revised Final and/or Landscape Plans Approved | 0 |
| 13. | Scenic Road Applications Reviewed | 3 |
| 14. | Ch. 61 Removals Reviewed | 1 |
| 15. | Ch. 61A Removals Reviewed | 0 |
| B. | <u>Review & Recommendation</u> | |
| 1. | Zoning Amendments | 19 |
| 2. | Rules & Regulations Amendments | 1 |
| 3. | ZBA Special Permits/Variations | 29 |
| 4. | Street Acceptances | 2 |
| 5. | Street Discontinuances | 1 |

Some of the more significant planning development proposals and issues of FY 13 included the following:

Commercial/Institutional

- Site Plan Review approval renovation of the parking lot behind Town Hall
- Site Plan Review approval for a 3-story mixed-use building at Amherst Office Park on West Street
- Site Plan Review approval for construction of an addition to the Unitarian Universalist Society building in downtown Amherst.

Zoning Amendments

The Zoning Subcommittee and Planning Department staff worked on nineteen (19) Zoning Amendments during FY 13 and held two Zoning Forums to solicit citizen input and recommendations on desired zoning changes.

Ultimately seventeen (17) Zoning Amendments were reviewed by the Planning Board; fifteen (15) were brought to Town Meeting; twelve (12) were adopted by Town Meeting and one was divided into thirds with two-thirds adopted by Town Meeting and one-third defeated, and two (2) amendments were defeated:

- Water Supply Protection District – Article 10, Fall 2012 Special Town Meeting Warrant, to amend Section 3.1, Restricted Uses – All Districts and Section 3.24, Watershed Protection (WP) District by adding a requirement that any use of land or related activities located near a public water supply source be subject to the provisions of 310 CMR 22, as amended, was adopted by Town Meeting on 11/26/12.
- Lodging or Boarding House Definition – Article 11, Fall 2012 Special Town Meeting Warrant, to amend Article 12, Definitions, to add a definition for Lodging or Boarding House, was adopted by Town Meeting on 11/26/12.
- Single Family Dwellings – Article 12, Fall 2012 Special Town Meeting Warrant, to amend Section 3.320 to create two separate categories of single family dwelling and to regulate single family dwellings being rented to groups of unrelated persons under different permitting requirements as a commercial enterprise, was defeated by Town Meeting on 11/26/12.
- Two Family Dwellings – Article 13, Fall 2012 Special Town Meeting Warrant, to amend Section 3.321 and Article 12, Definitions, to create two use categories for duplexes on the basis of owner occupancy and to amend existing definitions and add new definitions pertaining to residential uses, was adopted by Town Meeting on 11/26/12.
- Converted Dwellings – Article 14, Fall 2012 Special Town Meeting Warrant, to amend Section 3.3241 and Article 12, Definitions, to clarify the definition of converted dwelling as a residential use category, to modify selected dimensional requirements for conversion of existing residential buildings and outbuildings, and to adjust permitting requirements for converted dwellings containing different numbers of dwelling units, was adopted by Town Meeting on 11/28/12.
- Residential Zoning Definitions – Article 15, Fall 2012 Special Town Meeting Warrant, to amend Article 12, Definitions, to amend existing definitions and add selected new

definitions for terms associated with residential uses, was adopted by Town Meeting on 11/26/12.

- Two Family Detached Dwellings (petition) – Article 16, Fall 2012 Special Town Meeting Warrant, to amend Standards and Conditions of Section 3.321 to reclassify certain categories of two family dwellings as Converted Dwellings or Supplemental Apartments, was defeated by Town Meeting on 11/28/12.
- Converted Dwellings (petition) – Article 17, Fall 2012 Special Town Meeting Warrant, to amend the Standards and Conditions of Section 3.3241, to require owner occupancy in all instances, to require screening of associated parking lots and to establish specific methods of enforcement for violation of the owner occupancy requirement, was adopted by Town Meeting on 11/28/12.
- Converted Dwellings – Article 30, 2013 Annual Town Meeting Warrant, to amend Standards and Conditions 6 and 13 of Section 3.3241, to clarify the requirements for rental property management, was adopted by Town Meeting on 6/3/13.
- Mixed Use Buildings Standards & Conditions – Article 31, 2013 Annual Town Meeting Warrant, to amend Standards and Conditions for Section 3.325 to increase the number of upper floor dwelling units permitted in a mixed use building by right, allow dwelling units on the first floor and increase the first floor area supporting upper floor residential uses, was adopted by Town Meeting on 6/3/13.
- Mixed Use Center District Dimensions – Article 32, 2013 Annual Town Meeting Warrant, to amend Article 6 and Table 3, Dimensional Regulations, and associated Footnotes to increase potential density and add flexibility to dimensional standards in the Limited Business (B-L), Commercial (COM), Village Center Business (B-VC) and General Business (B-G) Districts, was divided by Town Meeting; changes related to the method of measurement for height of buildings were adopted; dimensional changes in the B-VC and B-G Districts were adopted; dimensional changes in the B-L and COM Districts were defeated; these actions were taken by Town Meeting on 6/10/13.
- Non-conforming Structures – Article 33, 2013 Annual Town Meeting Warrant, to amend Sections 9.20 and 9.22 to define structural alteration, allow the Zoning Enforcement Officer to grant selected changes to dimensionally non-conforming buildings in mixed use center districts, to relieve conforming changes occurring within a non-conforming building to proceed without an additional Special Permit, and to allow the board granting the permit for the principal use to also grant any Special Permit needed for a change in the non-conformity, was adopted by Town Meeting on 6/10/13.
- Fraternity Residence (R-F) Dimensions – Article 34, 2013 Annual Town Meeting Warrant, to amend Table 3, Dimensional Regulations, to allow for modification of specific dimensions – building coverage, lot coverage and maximum height, under a Special Permit in the Fraternity Residence (R-F) District, was adopted by Town Meeting on 6/10/13.
- Locational Requirements for Non-conforming Structures in Mixed Use Centers – Article 35, 2013 Annual Town Meeting Warrant, to amend Article 9, Non-conforming Lots, Uses and Structures, by adding a new Section 9.3 which establishes design requirements for changes to non-conforming structures in the B-G, B-L, B-VC, B-N and COM Districts, was adopted by Town Meeting on 6/10/13.

- Amendment to Official Zoning Map (Petition) – Article 36, 2013 Annual Town Meeting Warrant, to amend the official Zoning Map to change the zoning designation on Assessor's parcels 14B-250 and 14B-251 from General Residence (R-G) to Neighborhood Business (B-N), was adopted by Town Meeting on 5/22/13.

MASTER/COMMUNITY PLANNING

Efforts continued on a number of long-range planning issues, while new issues and projects also involved the time and attention of the Planning Board and Planning Department.

Housing Production Plan

During FY 13 the Planning Department and Planning Board worked with the Housing and Sheltering Committee and consultant, Karen Sunnarborg, to analyze the need for affordable housing in Amherst and to make recommendations on how to meet those housing needs. The Housing Production Plan was been submitted to the state Department of Housing and Community Development and will help Amherst to continue to provide housing for people with low incomes.

Housing Market Study

During FY 13 the Planning Department and the Planning Board worked with the Housing and Sheltering Committee and consultants, RKG Associates, Inc., to prepare a Housing Market Study to analyze the need for market rate housing in Amherst and give recommendations on how to meet the housing needs.

On June 18, 2013, RKG Associates Inc. presented the draft Housing Market Study to a joint meeting of the Planning Board and Housing and Sheltering Committee.

Safe & Healthy Neighborhoods

In October 2013, the Town Manager announced the formation of a 15 member Safe and Healthy Neighborhoods Working Group, a representative body including Town staff, Town board members, UMass representatives, at-large citizens, landlords, and others. The task of the Working Group was to research and draft a new Residential Rental Property Bylaw to be considered by the 2013 Annual Town Meeting. The Planning Director was appointed as a member of this body and worked with his staff, Building Commissioner Rob Morra and Health Director Julie Federman to provide staff support for the Working Group and conduct the bulk of the drafting of the new bylaw.

The Working Group met 15 times between November 2012 and March 2013. Article 29, Residential Rental Property Bylaw, was adopted by the 2013 Annual Town Meeting on May 6.

Community Development

On July 18, 2012, the Planning Board held a joint meeting with the Community Development Advisory Committee to review the Draft 2013 Community Development Strategy (CDS), part of the process for the CDBG Grant Application. Nathaniel Malloy, Senior Planner, continued to work with the CDC to develop the Community Development Strategy and prepared the CDBG Grant Application for the next round of funding.

Disability Access Advisory Committee

The Disability Access Advisory Committee (DAAC) continued to review projects and provide advisory opinions and recommendations to the Massachusetts Architectural Access Board (AAB) for applications requesting waivers from compliance with accessibility standards. The Planning Department provides staff liaison to this committee, which also reviews applications for Site Plan Review and Special Permits that involve public access. Through the staff liaison, Nate Malloy, the DAAC makes recommendations to the Planning Board and Zoning Board of Appeals.

Open Space and Recreation Plan (OSRP)

Town staff and boards and committees continued to use the Town's Open Space and Recreation Plan (OSRP) to support grant applications for water supply protection, land conservation, and expansion and improvements to the Town's recreational facilities, in particular the LAND and PARC grant programs. The Plan is used in conjunction with the Master Plan to help determine areas most appropriate for land conservation and development, and helps guide zoning and other land-use policies. The OSRP is valid from 2009-2016, at which time it will need to be updated.

Historic Preservation

Throughout FY 13 Nathaniel Malloy, Senior Planner, worked with the LHDSC to develop a Local Historic District Bylaw for a new Dickinson Local Historic Districts, focused on the same area governed by the Dickinson National Historic Register District. The 2012 Annual Town Meeting adopted the Local Historic District Bylaw and established the Dickinson Local Historic District. The Dickinson Local Historic District Commission was established and began meeting and responding to applications during FY 13.

Further progress was made on ongoing historic preservation projects. The Planning Department continued to assist the Historical Commission with its ongoing implementation of the 2005 Amherst Preservation Plan, including the development of proposals for CPA funding for historic preservation projects. In FY 13, these proposed projects included the conservation of the Emily Dickinson dress and associated storage, conservation of historic recordings of Town Meeting, funds to restore the Tiffany window in the Unitarian Society meetinghouse, and targeted repairs for the Jones Library roof; Town Meeting appropriated a total of \$193,395 for these projects. The Historical Commission reviewed a proposal to demolish and 20th century barn at 290 Lincoln Avenue, holding two separate series of demolition delay public hearings on the matter, the second in response to a request by the Zoning Board of Appeals. Neighbors opposed to the demolition asserted a connection between the property and Sunset Avenue resident Robert Frost, but no such connection could be definitively established. The Commission determined the building to not be historically significant at both hearings, and the barn was subsequently taken down.

Downtown

In FY 13, the Planning Department continued to pursue downtown revitalization projects involving such issues as parking, public open space, historical issues, and public infrastructure projects.

The multi-year streetscape redesign and reconstruction of downtown sidewalks continued. The Planning Department assisted the Department of Public Works with development of designs for new sidewalk improvements in the downtown area.

The Department worked with the Tree Warden, Public Shade Tree Committee and others on downtown street tree issues and the development of designs for streetscape improvements in other areas.

Housing

The Planning Department assisted the newly-formed Housing and Sheltering Committee (HSC), Amherst Housing Authority (AHA), and the Community Preservation Act Committee with analysis and development of projects to protect existing affordable housing and provide for the creation of new affordable units. The HSC continued to review plans and CPA proposals for the development of affordable units of rental housing, as well as support the study of historic preservation and adaptive reuse of the Hawthorne property for affordable housing.

The Select Board had appointed the Housing and Sheltering Committee as a new committee in April 2012, with one representative from the former HP/FH Committee and one representative from the former Homelessness Committee. Planning Department staff continued to support the work at Olympia Oaks, the Hawthorne property at 235 East Pleasant Street, and other housing projects in town.

Senior Planner Nathaniel Malloy served as liaison to the Housing and Sheltering Committee (HSC), assisting them with the development of a management plan and an action plan. Many of the committee members were new to housing issues and the general workings of town, such that many of the first meetings were filled with trainings about CPA, CDBG, and the housing needs of the community.

Planning staff and the Planning Board's Zoning Subcommittee continued to research and further develop amendments to the Zoning Bylaw to encourage affordability in new residential development. See Zoning Amendments.

Rail Service in Amherst

Planning Department staff continued working on ensuring future rail access for Amherst in FY 13. The Department worked with the Central Corridor Coalition, the Central Corridor Working Group (a steering committee of the Coalition), the Pioneer Valley Regional Planning Commission, representatives of MassDOT, Planning Board members, and representatives of local MA communities to promote the improvement of the Central Corridor (the New England Central Railroad (NECR) line) to provide rail passenger access connecting Amherst with communities and institutions in western Massachusetts, Connecticut, and Vermont and, via a connecting rail stop at Palmer, with eastern Massachusetts and Boston.

Planning Department staff participated in meetings and public events in MA and CT in support of the Central Corridor project. Staff also helped to draft and coordinate letters of support from Amherst for federal rail transportation grants applied for by NECR, and coordinated efforts to include the Central Corridor as a regional transportation priority for the Pioneer Valley Planning Commission.

Office of Conservation and Development

During FY 13 the Department of Conservation and Development continued to further integrate staff of the Inspection Services Department, Planning and Conservation Departments and staff

of the Community Development Department into a single functional Department. Ruth Taylor, formerly Administrative Assistant to Roy Rosenblatt, Director of Community Development Department, who had retired in FY 12, joined the Department of Conservation and Development and began to serve as support staff to the Planning Department.

The effort to create the Office of Conservation and Development has provided a coordinated and efficient place for citizens, business owners, and potential applicants to access information and meet with staff members.

Collectively, these efforts have resulted in a significant consolidation of departments and resources into a single Office of Conservation and Development, which now includes Planning, Conservation, Inspection Services and Community Development.

STAFF ASSISTANCE/PARTICIPATION

Internal Staff Working Groups

During FY 13, Planning Department staff participated in the following internal staff working groups, among others:

- ◆ Development Group
- ◆ MUNIS Working Group
- ◆ Land Use Group (LUG)
- ◆ Safe and Healthy Neighborhoods Group

Boards and Committees

Planning Department staff provided professional support and technical assistance to numerous Town boards and committees, local and regional boards, as well as Amherst citizens, community groups, other communities, and others. The Town boards and committees directly served by the Planning Department staff in FY 13 included:

- ◆ Planning Board (27 meetings)
- ◆ Zoning Subcommittee (24 meetings)
- ◆ Design Review Board (10 meetings)
- ◆ Zoning Board of Appeals (39 meetings)
- ◆ Historical Commission (15 meetings)
- ◆ Disabilities Access Advisory Committee (11 meetings)
- ◆ Redevelopment Authority (1 meeting)
- ◆ Housing and Sheltering Committee, established April 2012 (replaced the Housing Partnership/Fair Housing Committee) (10 meetings)
- ◆ Community Development Block Grant Advisory Committee (9 meetings)
- ◆ Dickinson Local Historic District Commission (4 meetings)

Other committees or bodies for whom the Planning Department provided more occasional assistance in FY 13 include:

- ◆ Finance Committee
- ◆ Select Board
- ◆ Community Preservation Act Committee
- ◆ Public Shade Tree Committee
- ◆ Pioneer Valley Planning Commission
- ◆ Valley Development Council (PVPC-sponsored body)
- ◆ Joint Transportation Committee (PVPC-sponsored body)

- ◆ Sustainable Knowledge Corridor Transit-Oriented Development Advisory Group (PVPC-sponsored body)
- ◆ Amherst Regional Chamber of Commerce
- ◆ Amherst BID (Business Improvement District)

Community Development Block Grant (CDBG) Program

During FY 13, the Planning Department staff provided the primary support for managing CDBG projects and applying to the Massachusetts Department of Housing and Community Development (DHCD) for the Mini-Entitlement CDBG grants. Planning Department staff also assisted other Town departments, boards, and committees in developing project proposals, and in preparing and reviewing related potential CDBG projects. The CDBG grant helped to fund numerous social service programs ranging from childcare tuition assistance to the Big Brother/Big Sister mentoring program to the food pantry at the Survival Center to the establishment of a homeless shelter run by Craig's Doors. Additional CDBG activities included funding for replacement of flooring at the North Amherst School, a third phase of barrier removal associated with sidewalks on Main Street, and barrier removal for the East Street School building..

PLANNING BOARD MEMBERSHIP

During FY 13 and at the end of FY 13, the Planning Board had nine (9) members: David Webber (Chair), Jonathan O'Keeffe (Vice Chair), Bruce Carson (Clerk), Stephen Schreiber, Richard Roznoy, Robert Crowner, Sandra Anderson, Connie Kruger and Kathleen Ford. There were no vacancies.

Planning Department staff attended the March 2013 Citizen Planner Training Collaborative conference in Worcester.

PLANNING DEPARTMENT STAFF

Jonathan Tucker, Planning Director, completed his 28th year with the Department and continued to provide principal staff support to the Planning Board, Zoning Subcommittee, Town/Commercial Relations Committee, and Redevelopment Authority, as well as overseeing all activities within the Planning Department.

Christine Brestrup, Senior Planner, completed her 10th year with the Department and continued to provide staff support to the Planning Board, principal staff support to the Design Review Board and worked on various other Planning Department activities.

Sue Krzanowski, Administrative Assistant, completed her 25th year with the Department, offering administrative support to the Planning Department, Inspection Services, and Conservation in the consolidated Conservation and Development Department. She retired in May of 2013.

Jeffrey Bagg, Senior Planner, completed his 5th year with the Department and continued to provide principal staff support to the Zoning Board of Appeals. He worked on various other Planning Department activities, including Zoning Bylaw revisions and continued to enhance available online resources, integrated electronic transmittals into the review process and provided ZBA members with additional training.

Nathaniel Malloy, Senior Planner, completed his 5th year with the Department, providing principal support for conservation and planning grants, including the CDBG Mini-entitlement funds. He continued to support the DAAC, Historical Commission, Local Historic District Study Committee, HP/FH Committee and Community Development Committee. Mr. Malloy was promoted to the position of Senior Planner in 2013.

David Webber
Chair, Planning Board

Jonathan Tucker
Planning Director

POLICE DEPARTMENT

Fiscal Year 2013

Message from the Chief

Members of the Amherst Police Department continue to expand and explore innovative ways to accomplish our goal of remaining one of the most highly regarded and professional police departments in the Commonwealth of Massachusetts. While the landscape of modern day policing is increasingly difficult and ever changing, the men and women of this department continue to meet and exceed the high expectations our community has come to expect from us. We work diligently and remain unwavering in our commitment to serve and protect all community members. The men and women of the police department embrace the challenges we face and take pride in the consistently high level of service we provide to our community.

The dedicated, professional and highly trained members of the department continue to embrace our sector based and community policing philosophies. This commitment to consistent assignments and problem oriented policing provides officers with the opportunity to develop new ideas and problem solving techniques with members in their respective patrol districts. We continue to work, in a variety of partnerships, with neighborhood groups, other Town departments, students and the University of Massachusetts Police Department and Administration. We value our partnerships as they enable us to coordinate a multi-agency approach to enhancing the quality of life in our shared community. Significant reductions in crimes against property, burglaries and thief can be attributed to the hard work of our officers and information obtained through our relationships with community groups.

The police department remains committed to its continued collaborations with the Amherst school administration on the development of school safety and emergency plans. Over the years, the police department has hosted joint trainings and table top exercises with school personnel and other Town departments involving critical incident preparedness. Our established cooperative training program is now considered a model for other local towns and law enforcement agencies.

The police department continues to explore innovative methods, grants and additional revenue streams to assist us in our mission and enable us to achieve our goal of increasing the number of officers in our agency to match acceptable state and federal staffing level. The members of the Amherst Police Department will continue to strive to meet the needs and expectations of the diverse community we serve and protect.

Detective Bureau

Officers that are assigned to the Detective Bureau share a variety of responsibilities within the Amherst Police Department. Their primary function continues to be as support for the patrol division during lengthy or labor intensive investigations. Detectives have expanded their roles within the agency and the community, while maintaining a consistent and vital role as criminal investigators.

Detectives continue to act as a liaison to Court system, to include the prosecution of criminal cases in both the Superior and District Courts. Their role also includes advocacy referral with the Northwestern District Attorney and the various support programs that are in place by that office. Detectives from the Amherst Police Department are members of several steering groups that routinely conference and conceptualize specific actions to improve the quality of services and life throughout Hampshire County.

The investigating detectives continue to enjoy an excellent relationship with the Amherst schools. Detective David W. Foster has taken point on working with the schools to discuss general safety concerns and the minimization of crime within the district. He helps to facilitate a regular round table discussion with the schools that is used to identify safety concerns and assist the student population. Detective Foster also represents the Amherst Police Department at the Hampshire County Juvenile Court where he acts as the police prosecutor, oversees juvenile matters of concern, and contributes to the various juvenile probation functions.

Detective Janet Lopez has taken a more job specific role within the detective bureau, and is working as the lead investigator on all domestic related crimes. Her responsibilities include the investigation of specific assaults, criminal harassment, and child abuse cases. She is responsible for identifying and assisting victims that are in crisis through advocacy and support. Detective Lopez works closely with the District Attorney's Office, the Department of Children and Families, and the Five College Community. She has also established a series of outreach programs that have been very successful.

The past fiscal year was an active one for the detective bureau. Several extensive investigations were undertaken, including serious motor vehicle collisions, robberies, burglaries, thefts, and assaults. A total of 210 suspects were identified and charged through arrest, summons or indictment for a total of 308 crimes.

The detective bureau has added two new investigators, Detective Jamie Reardon and Detective Michael Forcum. Their addition allows the detective bureau to provide support to the patrol division on a continuous basis. They join the aforementioned Detectives Lopez and Foster, as well as Sergeant David R. Knightly, Detective Christina B. Knightly, Detective Richard S. Maclean and Detective Gregory D. Wise to complete the current staffing.

Ronald A. Young, Lieutenant

POLICE PERSONNEL CHANGES

Resignations:

Sworn Police Officers

| | |
|---------------------|------------------|
| Hunter J. Guiles | July 1, 2012 |
| Carlos M. Gutierrez | December 3, 2012 |

New Hirees:

Sworn Police Officers

| | |
|-------------------|--------------------|
| Rita M. Contardo | September 4, 2012 |
| Samuel W. Hebb | September 24, 2012 |
| Michael J. Barone | January 3, 2013 |

Civilian Personnel

| | |
|----------------|--------------|
| Amber Sullivan | July 9, 2012 |
|----------------|--------------|

Awards and Recognition

July 12, 2012

The Amherst Police Department was awarded \$55,000 from the Commonwealth of Massachusetts Executive Office of Public Safety and Security to fund the salary, benefits, training and equipment needs of a Civilian Crime and Intelligence Analyst at the police department. Amber Sullivan was hired by the department to assist in the prevention and reduction of crime and disorder by conducting data analysis of crime, traffic and other incident research, and offer input on strategic and tactical decisions related to the staffing and deployment of officers.

August 24, 2012

The Amherst Police Department was the recipient of an Award of Excellence for Municipal Departments in the annual Massachusetts Law Enforcement Challenge (MLEC). The Challenge is a joint initiative supported by the Massachusetts Chiefs of Police Association (MCOPA) and the Massachusetts Executive Office of Public Safety and Security (EOPSS). The award program recognizes police departments from across the state for their traffic safety efforts to reduce motor vehicle-related fatalities, injuries and economic loss in communities by combining traffic enforcement with public information and education.

November 13, 2012

The Town of Amherst Police Department received a \$300,000 award from the Department of Justice, Office on Violence Against Women. This federal grant was obtained in collaboration with the University of Massachusetts Police Department, the University of Massachusetts Center for Women & Community (CWC) and the Northampton Police Department. The award will continue to fund a full-time Civilian Advocate, Ilana Gerjuoy, who currently works on site at the Amherst and University of Massachusetts Police Departments assisting survivors of domestic and sexual violence.

December 3, 2012

The Amherst Police Department received a Traffic Enforcement Grant in the amount of \$6,000 from the Executive Office of Public Safety and Security, Highway Safety Division. The funds from this grant were utilized to fund the Drive Sober or Get Pulled Over and Click It or Ticket mobilizations. The grant funding enabled the Amherst Police Department to increase traffic enforcement of drunk driving laws and seat belt violations.

March 13, 2013

The Amherst Police Department was the recipient of \$10,000 in grant funding as part of the 2013 Underage Alcohol Enforcement Grant Program from the Commonwealth of Massachusetts Executive Office of Public Safety and Security (EOPSS). This program provides overtime funds for the enforcement of underage alcohol laws through activities such as compliance checks at liquor serving establishments, party patrols, and surveillance patrols. The Amherst Police intends to use this funding to assign extra patrols to enforce the open container of alcohol bylaw and underage drinking laws.

May 2, 2013

The Amherst Police Department was awarded state accreditation from the Massachusetts Police Accreditation Commission. In 2001, the Amherst Police Department became the second police department in the Commonwealth of Massachusetts to be awarded accreditation status, and was successfully reaccredited in 2004, 2007 and 2010. The police department was subject to an extensive peer review process in February by the Commission's assessment team. While here and as part of the verification process, assessors examined the department's policies, procedures, operations, staffing, equipment and facility maintenance to demonstrate adherence to the Accreditation Commission's strict, best practice standards. The Amherst Police Department successfully passed all 252 mandatory standards and exceeded the required optional standards by twenty percent.

June 6, 2013

The Amherst Police Department was awarded \$5,000 to enhance pedestrian and bicycle safety. The grant was provided by the Executive Office of Public Safety and Security (EOPSS) with funding from the National Highway Traffic Safety Administration (NHTSA) specifically to improve pedestrian and bicyclist safety. Amherst was one of 48 police departments to receive this grant. The grant will fund targeted enforcement and decoy patrols, breakaway signs and crosswalk reflective tape. A combination of enforcement techniques and equipment will help the department analyze and crack down on drivers, pedestrians, and cyclists who do not share the road appropriately, putting themselves or others in danger.

June 27, 2013

The Amherst Police Department, for the second consecutive year, has been awarded a grant from the Commonwealth of Massachusetts Executive Office of Public Safety and Security (EOPSS) under the Edward J. Byrne Memorial Justice Assistance Grant Program. The \$41,250 grant award will enable the department to extend the Crime and Intelligence Analyst program for a twelve month period by funding the salary, benefits, training and equipment needs of Civilian Crime and Intelligence Analyst, Amber Sullivan, who was appointed after an extensive selection process in July 2012. Ms. Sullivan continues to work closely with patrol operations

and the detective bureau to accomplish the police department's overall goal of reducing and preventing crime within the Amherst community.

The following officers were honored by the Amherst Police Department:

January 17, 2013

Officer Michael Forcum and Officer Scott Thurston were issued letters of Merit. Presented by their peers, these officers were recognized for their actions and professionalism while investigating a disturbance at Village Park Apartments. While conducting an area canvass the officers heard an alarm and observed smoke coming out of a window air conditioning unit. The officers quickly made entry, attempted to ventilate the smoke filled apartment and during a sweep located and removed an unconscious, unresponsive citizen from the apartment. While the citizen was treated for smoke inhalation, the officer's actions and professionalism ensured a positive outcome in such a dangerous and potential lethal situation. Annual Report
Communications Center

Communications Center

It is the mission of our emergency dispatchers to consistently provide the highest quality emergency and non-emergency services to the public in the most expedient and professional manner. They remain committed to serving as the vital link between the public and emergency service providers through responsiveness and technical excellence. Our emergency dispatchers strive to be lifelong learners. As required by their profession, they accept responsibilities, face and meet challenges and embrace necessary change with a willing and positive attitude.

The Massachusetts State 911 Department instituted some sweeping changes in FY 13 in regards to setting higher standards statewide for the profession. The State now requires all professional 911 dispatchers to attend a minimum of 16 hours of training per year. The Commonwealth also requires fully certified dispatchers attain and maintain certification in Emergency Medical Dispatch (EMD) and Cardio Pulmonary Resuscitation (CPR). While the new mandates may have caused concerns in other departments, the only issue that needed to be addressed in the Amherst Communications Center was an increased level of documentation. As professional training has been a constant in the communication center for over a decade the new State directives had no impact on the current staff of professional emergency dispatchers. Professional development has been a mainstay with the staff in the communications center and certification in EMD and CPR were instituted long before the State mandate. Our emergency dispatchers continue to participate in training opportunities in house, online and throughout the region which enables them to acquire new skills to ensure they keep pace with the ever changing demands of their profession.

It is the goal of the communications center to remain one of the most progressive and professional communication centers in the region. As part of the new State standards, it is mandated that a community must retain an outside resource to provide Emergency Medical Dispatch (EMD) if a community is unable to attain EMD certification for their emergency dispatchers. After completing the application process with the state, on June 1, 2012 the Amherst Communications Center earned State recognition as a Certified Emergency Medical

Dispatch Resource. Due to this fact, the Amherst Communication Center now provides EMD service to neighboring communities.

The unique demands of the position of emergency dispatcher have historically contributed to high employee turnover nationwide. The mandated hours needed to cover a 24 hour center coupled with the stress of the job itself, along with the stress it puts on an employee's personal life, often make it difficult to recruit and retain qualified personnel. However, due to the support of the Town and additional funding from a State 911 grant the Amherst Communications Center remain fully staffed with highly trained, certified and professional emergency dispatchers.

We face some serious challenges looking forward to fiscal year 2014 including increasing call volume, the continued evolution of the public's expectations of their emergency dispatch staff and technologies such as next generation 911 (NG911) on the verge of being released nationwide.

The current staff includes Michael Curtin, William Worthley, Elizabeth Chudzik, Jessica Pronovost, Joshua Cicia, Janet Sharp, Scott Delpozso, Jason Rushford, Scott Houston, Stephanie Everett, Kevin Gleason and Jeremy Kommel-Bernstein. The department continues to monitor regional communications efforts and looks forward to the upcoming fiscal year.

Scott P. Livingstone
Chief of Police

CALLS FOR SERVICE

Summary Report

Total Police Calls: 18,035 Number of responders: 27,814

| CALL CATEGORY | # CALLS | #RESPONDERS |
|--|---------------|---------------|
| ALARMS & SECURITY CHECKS | 1984 | 2,925 |
| ANIMAL WELFARE | 545 | 700 |
| ASSAULT | 89 | 210 |
| ASSIST OTHER AGENCY | 466 | 671 |
| COMMUNITY OUTREACH/ASSIST | 5168 | 7,154 |
| DEATH INVESTIGATION | 15 | 74 |
| DISTURBANCE RELATED INCIDENT | 1668 | 4,438 |
| INCIDENT FOLLOW UP | 1676 | 1,875 |
| MISSING PERSON OR CHILD | 31 | 59 |
| MOTOR VEHICLE CRASHES | 786 | 1,269 |
| MOTORIST INTERACTIONS | 3007 | 4,144 |
| PROPERTY DAMAGE | 135 | 174 |
| SERVICE OF PROTECTION ORDERS, SUMMONS AND COURT ORDERS | 829 | 1,105 |
| SUSPICIOUS ACTIVITY | 1229 | 2,381 |
| THEFT | 407 | 635 |
| TOTAL | 18,035 | 27,814 |

Detailed Report

| | | |
|-------------------------------------|--------------|------------|
| ALARMS & SECURITY CHECKS | 1,984 | 11% |
| Security Check | 1,117 | |
| Commercial Alarm | | |
| Residential Alarm | 197 | |
| 911 Hang Up | 231 | |
| Bank / A T M Alarm | 62 | |
| Open Door/Window | 39 | |
| House Check | 3 | |
| ANIMAL WELFARE | 545 | 3% |
| Animal Complaint | 424 | |
| Animal Admin Services | 121 | |
| ASSAULT | 89 | 0% |
| Assault | 52 | |
| Sex Offense | 17 | |
| Robbery | 3 | |
| Rape | 17 | |

| | | |
|-------------------------------------|-------------|------------|
| ASSIST OTHER AGENCY | 466 | 3% |
| Assist Other P D | 299 | |
| PERMITS | 87 | |
| Parking Ban | 76 | |
| PD Mutual Aid Into Amherst | 4 | |
| COMMUNITY OUTREACH/ASSIST | 5168 | 29% |
| Assist Citizen | 732 | |
| Assist Business/Agency | 746 | |
| Medical Assist | 494 | |
| Community Policing | 660 | |
| Well Being Check | 422 | |
| Assist A F D | 440 | |
| Liquor Law Violation | 294 | |
| Escort | 290 | |
| Recovered Property | 302 | |
| Admin Duty | 252 | |
| Prop/Evid Admin | 247 | |
| Medical / Mental | 86 | |
| Citizen Transport | 142 | |
| Liquor I D Check | 38 | |
| Protective Custody | 17 | |
| Recovered M V | 6 | |
| DEATH INVESTIGATION | 15 | 0% |
| Unattended Death | 15 | |
| DISTURBANCE RELATED INCIDENT | 1668 | 9% |
| Noise Complaint | 868 | |
| Disturbance | 559 | |
| Domestic | 134 | |
| Fight | 91 | |
| T B L Violation | 16 | |
| INCIDENT FOLLOW UP | 1676 | 9% |
| Follow Up | 1,347 | |
| Prisoner Transport | 175 | |
| Prisoner Monitor/Booking | 59 | |
| On-Line Incident Report | 48 | |
| Crime Scene/admin | 30 | |
| Civil Complaint | 11 | |
| Lock Up Incident | 6 | |
| MISSING PERSON OR CHILD | 31 | 0% |
| Missing Child | 13 | |
| Missing Person | 9 | |
| Located Person | 9 | |

| | | |
|---|-------------|------------|
| MOTOR VEHICLE CRASHES | 786 | 4% |
| M V Crash P D | 686 | |
| M V Crash P I | 100 | |
| MOTORIST INTERACTIONS | 3007 | 17% |
| M V Stop | 1,477 | |
| Traffic | 573 | |
| Suspicious Motor Vehicle | 472 | |
| M V Complaint | 149 | |
| Disabled Motor Vehicle | 192 | |
| Traffic Enforcement | 112 | |
| Assist Motorist | 15 | |
| Traffic Monitor | 14 | |
| M V Pursuit | 3 | |
| PROPERTY DAMAGE | 135 | 1% |
| Vandalism | 135 | |
| SERVICE OF PROTECTION ORDERS, SUMMONS AND OTHER COURT ORDERS | 829 | 5% |
| Warrant Service | 155 | |
| Summons Service | 318 | |
| 209 A | 241 | |
| 258E Harassment Order | 115 | |
| SUSPICIOUS ACTIVITY | 1229 | 7% |
| Suspicious | 1,115 | |
| Trespass | 62 | |
| Drug Law Violation | 20 | |
| Annoying Call(s) | 28 | |
| Special / Unusual Occurrence | 4 | |
| THEFT | 407 | 2% |
| Larceny | 180 | |
| B & E | 74 | |
| B & E M V | 52 | |
| Shoplifting | 30 | |
| Fraud | 32 | |
| Missing Property | 27 | |
| Stolen M V | 12 | |

OFFENSES REPORTED AND OFFENSES CHARGED

Summary Report

Total Offenders Charged: 1,563

Custodies: 832

Summons or Bylaw Citation 731

| OFFENSE CATEGORY | OFFENSE INVESTIGATED | OFFENSE CHARGED |
|---|----------------------|-----------------|
| ALCOHOL RELATED OFFENSES | 655 | 655 |
| COMMUNITY DISORDER/ QUALITY OF LIFE CRIMES | 536 | 524 |
| CRIMES AGAINST PERSON | 402 | 228 |
| CRIMES AGAINST PROPERTY | 630 | 198 |
| DRUG RELATED OFFENSES | 154 | 144 |
| MOTOR VEHICLE OFFENSES | 724 | 680 |
| WARRANT CUSTODIES | 93 | 93 |
| WEAPONS OFFENSES | 1 | 1 |

Offense Reported

Detailed Report

| | |
|---------------------------------|------------|
| CRIMES AGAINST PERSON | 402 |
| A&B | 60 |
| RESIST ARREST | 50 |
| A&B (DOMESTIC) | 47 |
| ASSAULT | 20 |
| ABUSE PREVENTION ORDER, VIOLATE | 19 |
| A&B WITH DANGEROUS WEAPON | 18 |
| A&B ON POLICE OFFICER | 17 |
| ASSAULT W/DANGEROUS WEAPON | 17 |
| RAPE | 17 |
| HARASSMENT, CRIMINAL | 15 |
| IDENTITY THEFT | 12 |
| ASSAULT (DOMESTIC) | 11 |
| WITNESS, INTIMIDATE | 10 |

| | |
|---|------------|
| A&B SERIOUS BODILY INJURY | 7 |
| INDECENT A&B ON PERSON 14 OR OVER | 5 |
| INDECENT EXPOSURE | 5 |
| ROBBERY, UNARMED | 5 |
| ASSAULT / A&B DOMESTIC SECOND / SUB. | 3 |
| ASSAULT IN DWELLING, ARMED | 3 |
| CONTRIBUTE TO DELINQUENCY OF CHILD | 3 |
| A&B ON +60/DISABLED WITH INJURY | 2 |
| A&B PREGNANT PERSON | 2 |
| RAPE OF CHILD, STATUTORY | 2 |
| A&B ON CHILD WITH INJURY | 1 |
| ASSAULT TO RAPE | 1 |
| BURGLARY, ARMED & ASSAULT | 1 |
| INDECENT A&B ON CHILD UNDER 14 | 1 |
| OBSCENE MATTER TO MINOR | 1 |
| ROBBERY, FIREARM-ARMED | 1 |
| OTHER CRIMES AGAINST PERSON | 46 |
| ALCOHOL CRIMES | 655 |
| LIQUOR, PERSON UNDER 21 POSSESS | 344 |
| TBL A2 S6: OPEN CONTAINER OF ALCOHOL | 205 |
| PROTECTIVE CUSTODY | 54 |
| LIQUOR ID CARD/LICENSE, FALSE/MISUSE | 16 |
| TBL A24 S4: UNLAWFUL POSSESSION OF KEG | 15 |
| LIQUOR TO PERSON UNDER 21, SELL/DELIVER | 14 |
| OTHER ALCHOL OFFENSES | 6 |
| ARRESTED ON OTHER AGENCY WARRANT | 93 |
| ARRESTED ON WARRANT INITIATED BY OTHER AGENCY | 83 |
| FUGITIVE FROM JUSTICE ON COURT WARRANT | 3 |
| DRUG OFFENSE | 154 |
| MARIJUANA, POSSESS LESS THAN OUNCE | 103 |
| DRUG, POSSESS CLASS B | 18 |
| DRUG, POSSESS CLASS E | 9 |
| DRUG, POSSESS / CULTIVATE TO DISTRIB CLASS D | 7 |
| CONSPIRACY TO VIOLATE DRUG LAW | 4 |
| DRUG, POSSESS CLASS A | 4 |
| DRUG, DISTRIBUTE CLASS D | 2 |
| DRUG, POSSESS CLASS C | 2 |
| DRUG, POSSESS TO DISTRIB CLASS C | 2 |
| DRUG, POSSESS TO DISTRIB CLASS A | 1 |
| OTHER DRUG OFFENSE | 2 |
| PROPERTY CRIME | 630 |
| LARCENY OVER \$250 | 150 |

| | |
|---|------------|
| LARCENY UNDER \$250 | 94 |
| B&E NIGHTTIME FOR FELONY | 54 |
| B&E FOR MISDEMEANOR | 22 |
| MOTOR VEH, MALICIOUS DAMAGE TO | 22 |
| B&E VEHICLE FOR MISDEMEANOR | 20 |
| VANDALIZE PROPERTY | 20 |
| B&E DAYTIME FOR FELONY | 19 |
| B&E VEHICLE NIGHTTIME FOR FELONY | 16 |
| DESTRUCTION OF PROPERTY +\$250, MALICIOUS | 16 |
| DEFACE PROPERTY | 15 |
| DESTRUCTION OF PROPERTY -\$250, WANTON | 30 |
| DESTRUCTION OF PROPERTY +\$250, WANTON | 13 |
| TRESPASS | 13 |
| B&E VEHICLE / BOAT DAYTIME FOR FELONY | 11 |
| RECEIVE STOLEN PROPERTY +\$250 | 11 |
| LARCENY FROM BUILDING | 9 |
| MOTOR VEH, LARCENY OF | 9 |
| LARCENY FROM PERSON | 5 |
| SHOPLIFTING BY ASPORTATION | 9 |
| RECEIVE STOLEN PROPERTY -\$250 | 4 |
| SHOPLIFTING \$100+ BY CONCEALING MDSE | 4 |
| OTHER PROPERTY CRIME | 64 |
| MOTOR VEHICLE OFFENSE | 724 |
| OUI LIQUOR | 133 |
| OPERATION OF M/V To ENDANGER, NEGLIGENT | 54 |
| UNLICENSED OPERATION OF MV | 44 |
| LICENSE SUSPENDED, OP MV WITH | 38 |
| LEAVE SCENE OF PROPERTY DAMAGE | 36 |
| OUI LIQUOR, 2ND OFFENSE | 16 |
| UNINSURED MOTOR VEHICLE | 11 |
| UNREGISTERED MOTOR VEHICLE | 9 |
| LEAVING ACCIDENT SCENE AFTER PROPERTY DAMAGE | 8 |
| OPERATION OF M/V TO ENDANGER, RECKLESS | 8 |
| USE MV WITHOUT AUTHORITY | 8 |
| LICENSE REVOKED, OPERATE MV WITH | 7 |
| LICENSE SUSPENDED, OP MV WITH, second or subsequent | 6 |
| STOP FOR POLICE, FAIL | 6 |
| LEAVE SCENE OF PERSONAL INJURY | 5 |
| OUI DRUGS | 3 |
| LICENSE REVOKED AS HTO, OPERATE MV WITH | 3 |
| OUI LIQUOR, 3RD OFFENSE | 1 |
| OUI LIQUOR, 5TH OFFENSE | 1 |
| OTHER MOTOR VEHICLE OFFENSE | 327 |

| | |
|--|------------|
| QUALITY OF LIFE CRIMES | 536 |
| TBL A2 S3: UNLAWFUL NOISE | 223 |
| TBL A2: NUISANCE HOUSE | 131 |
| DISORDERLY CONDUCT | 122 |
| NOISY & DISORDERLY HOUSE, KEEP | 18 |
| RIOT, FAIL DISPERSE | 11 |
| TBL ART 2 S 6 LITTERING | 11 |
| DISTURBING THE PEACE | 10 |
| SEX OFFENDER FAIL TO REGISTER | 5 |
| Dangerous Weapon, Possess While Committing Breach of Peace | 3 |
| RIOT, INCITE | 1 |
| SCHOOL, DISTURB | 1 |
| WEAPONS CRIMES | 1 |
| Dangerous Weapon, Possession While Arrested on Warrant | 1 |

CITATIONS AND CRASH DATA

CITATION:

| | |
|--|-------|
| Total Motorists: | 2,710 |
| Total Violations: | 3,465 |
| Motorists Issued Warnings: | 2,187 |
| Motorists Issued Civil Infractions: | 252 |
| Motorists Issued Criminal Infractions: | 271 |

CRASH:

| | |
|---------------------------|-----|
| Total Crashes: | 790 |
| Crashes with Injury: | 100 |
| Crashes/Fatal: | 1 |
| Crashes with Pedestrians: | 12 |
| Crashes/Bicycles: | 23 |
| Crashes/OUI: | 25 |

AMHERST PUBLIC ART COMMISSION

Fiscal Year 2013

This fiscal year the Public Art Commission started off running and never stopped to catch its breath until Christmas. We began with finalizing the agreement to move forward with the purchase of a large sculpture (Portal by Matt Evald Johnson) for Kendrick Park.

The Commission then turned its attention for the next several months to the very successful production of the **2012 Amherst Biennial: Art in Expected & Unexpected Places**. The month long show featured art in 26 different locations throughout Amherst ranging from art museums to banks to libraries to local businesses and nature reserves. Forty-six artists participated in the Biennial including two octogenarians, a teenager and students from the Fort River elementary school. The art was viewed by thousands of residents and visitors and received a review or mention in several local, regional and national publications.

The remainder of the year focused on our quarterly shows at Town Hall and on raising funds to pay for the Portal sculpture. By the end of the fiscal year, we had raised approximately \$7,000 of the needed \$10,000 in gifts and pledges.

Public Bicycle Transportation Committee Fiscal Year 2013

Committee Members: Fran Van Treese (Chair); John Bamberger, Richard Fein, Dorie Goldman, Karen Kowles, Eve Vogel

Frequent Guests: Glenn Barrington, Gilford Mooring

The Committee is responsible for two areas; Public Transportation (which in large measure means buses) and bicycles (which includes pedestrians and motorized bikes).

Public Transportation

1. The Committee has worked hard to preserve transportation to South Amherst. In particular we are concerned about the #32 bus, which has been the sole means of public transportation during the summer. In a related matter, we have been concerned about keeping the interior neighborhood stops in addition to the main spine on 116/West Street. We have received information consistently and the ridership on the #32 is increasing.
2. The Committee has been active in securing bus transportation for the Amherst Survival Center.

PBTC Bicycles

The Committee is very interested in:

1. **North Amherst Bike Path.** There are lighting, wetland and access issues to be resolved.
2. **Covered Bike Shelters:** to protect bikes in inclement weather. The main problems are money and location. This resolution was passed unanimously: ***“The PBTC encourages the Town of Amherst to build covered bicycle shelters to encourage people to use bicycles for transportation.”***
3. **Safety:** We have explored public education as a means for advising both cyclists and motorists about their obligations, rights and mutual need for safety. Public perception of bicyclists and biking are part of the issue. Police enforcement is not being pursued.

Also: “The Amherst PBTC supports efforts to ensure safety for pedestrians and bicyclists in crossing the intersection of Route 9 and Maple Street in Hadley and the improvement of bus stops on Route 9. We urge that these efforts be expedited. Amherst citizens have made the PTBC aware of this significant problem.” Passed 5-0

We have spent considerable time working with Mr. Mooring and the Public Works Committee about accommodating bicycles and pedestrians on Pine Street and East Pleasant Street.

The Mill Street Bridge: The PBTC would like it to be open, but only to bicycles and pedestrians in keeping with the heavy use by pedestrians and families of the park-like recreational Puffers Pond environs.

RECYCLING AND REFUSE MANAGEMENT COMMITTEE

Fiscal Year 2013

Members: John Root, Chair; Susan Morrello, Cristina Cox Fernandes, Laurel Dickey, Brenda Davies, Arnold Alper, and Craig Goff

School compost coaching at the Town's three elementary schools with Committee members serving as volunteer coaches took place during the first two weeks of the school year.

The Committee organized and staffed a recycling presence at the Sustainability Festival on April 27.

The Committee endorsed a proposal by Amend Organics to institute a six-month pilot program for composting food waste at the transfer station with biodegradable pay-as-you-throw bags provided for participants and daily emptying of wheeled totes.

A Zero Waste "summit meeting" at Amherst College was held on September 19, 2012. Three key goals (downtown recycling, transfer Station/Solid Waste Enterprise Fund viability, and composting) were proposed, and working groups were formed to focus on each of these goals.

Amherst Town Meeting passed a ban on the use of foam products (expanded polystyrene) on November 19, 2012, prohibiting food establishments and Town facility users from dispensing prepared foods to customers in disposable food service containers made from expanded polystyrene (EPS commonly referred to as Styrofoam®), effective January 1, 2014. The bylaw was proposed by the RRMC in collaboration with The Amherst League of Women Voters and The Hitchcock Center for the Environment.

AMHERST SCHOOLS Fiscal Year 2013

AMHERST SCHOOL COMMITTEE

| | | |
|-----------------------|------------------------|----------------------|
| Katherine Appy, Chair | Rob Spence, Vice-Chair | Rick Hood, Secretary |
| Lawrence O'Brien | Amilcar Shabazz | |

The Amherst School Committee is an elected body responsible for the public education of all children in kindergarten through grade six and of pre-school children with substantial special needs in our community. The Committee meets regularly on the third Tuesday of each month and welcomes citizen participation at each meeting. The members of this committee also serve as Amherst's members of the Regional School Committee which has responsibility for the educational programs for children in grades seven through twelve.

STUDENT ENROLLMENT

The following demographic data is based on official enrollment numbers as of October 1, 2012.

| | Crocker Farm | Fort River | Wildwood | District Totals |
|---------------------|--------------|------------|----------|-----------------|
| Preschool | | | | |
| Total Enrollment | 65 | N/A | N/A | 65 |
| Special Education | 33 | N/A | N/A | 33 |
| ELE | 0 | N/A | N/A | 0 |
| Free/Reduced Lunch | 29 | N/A | N/A | 29 |
| Kindergarten | | | | |
| Total Enrollment | 36 | 53 | 60 | 149 |
| Special Education | 6 | 8 | 6 | 20 |
| ELE | 5 | 10 | 13 | 28 |
| Free/Reduced Lunch | 13 | 25 | 28 | 66 |
| Grade One | | | | |
| Total Enrollment | 52 | 52 | 54 | 158 |
| Special Education | 9 | 10 | 8 | 27 |
| ELE | 10 | 15 | 9 | 34 |
| Free/Reduced Lunch | 20 | 25 | 26 | 71 |
| Grade Two | | | | |
| Total Enrollment | 49 | 48 | 49 | 146 |
| Special Education | 12 | 13 | 8 | 33 |
| ELE | 7 | 10 | 11 | 28 |
| Free/Reduced Lunch | 25 | 24 | 21 | 70 |
| Grade Three | | | | |
| Total Enrollment | 46 | 60 | 63 | 169 |
| Special Education | 7 | 15 | 14 | 36 |
| ELE | 5 | 8 | 6 | 19 |
| Free/Reduced Lunch | 11 | 23 | 26 | 60 |
| Grade Four | | | | |
| Total Enrollment | 62 | 46 | 67 | 175 |
| Special Education | 15 | 11 | 16 | 42 |

| | | | | |
|--------------------|-----------|-----------|-----------|-----------|
| ELE | 10 | 6 | 9 | 25 |
| Free/Reduced Lunch | 28 | 14 | 25 | 67 |
| Grade Five | | | | |
| Total Enrollment | 43 | 56 | 66 | 165 |
| Special Education | 10 | 13 | 16 | 39 |
| ELE | 6 | 7 | 2 | 15 |
| Free/Reduced Lunch | 14 | 17 | 28 | 59 |
| Grade Six | | | | |
| Total Enrollment | 45 | 61 | 73 | 179 |
| Special Education | 7 | 15 | 16 | 38 |
| ELE | 6 | 6 | 3 | 15 |
| Free/Reduced Lunch | 13 | 25 | 22 | 60 |
| TOTALS | | | | |
| Total Enrollment | 398 | 376 | 432 | 1206 |
| Special Education | 99 / 25% | 85 / 23% | 84 / 19% | 268 / 22% |
| ELE | 49 / 12% | 62 / 17% | 53 / 12% | 164 / 14% |
| Free/Reduced Lunch | 153 / 38% | 153 / 41% | 176 / 41% | 482 / 40% |

Fifty-four children from Amherst attended Charter Schools and 30 Amherst children attended other school districts under the School Choice program.

2012-2013 HIGHLIGHTS

The core mission of the Amherst-Pelham Regional Schools is to “provide all students with a high quality education that enables them to be contributing members of a multiethnic, multicultural, pluralistic society.” This informs everything we do as educators, and during 2012-2013, a number of steps were taken toward that lofty goal:

- The Districts’ partnership with the University of Massachusetts, created in FY2011, moved forward with its intensive, systems-level work focusing on the instructional core. District-level and site-level instructional leadership teams are working in collaboration with teacher teams to examine student achievement and improve outcomes for students at all levels. Instructional Rounds, which provide a process for observation, data gathering, and analysis of instruction to inform district and school decision making, are now conducted routinely as a regular part of the building-level professional learning process.
- The district has formalized the use of the Response to Intervention (RTI) model for student support and intervention. Our implementation of a universal screening tool is moving the district forward in our data-based decision making efforts and provides teachers access to real-time student data to inform instruction, target intervention, and monitor progress. Significant progress has been made in implementing a tiered intervention program which provides multi-leveled instruction in our classrooms. We are making decisions with a higher level of knowledge about students than we were able to previously. In addition, a team of Central Office staff members have been trained in Harvard University’s Data Wis Program; they will be bringing this system to a wider audience in coming months.

- The School-Wide Positive Behavior System model is now a district-wide, proactive systems approach to improving social and academic competency for all students, and all schools are currently engaged in a three-year implementation process. For more information, please see *Voices from Our School* focused on PBIS.
- The district's strong partnership with Amherst College continues to grow and strengthen under the direction of Amherst College President, Dr. Biddy Martin. The college continued their funding for the district Volunteer Coordinator position held by Kimberly Stender, a portion of the salary of Dr. Rhonda Cohen, Director of Teaching and Learning, and expanded their support of the schools by providing \$10,000 for vouchers for the Out-of-School Time partnership.
- School safety has been enhanced significantly by implementation of the camera/buzzer entry system at all schools, new bus protocols for kindergarten students and the addition of comprehensive safety/emergency flip-charts as easy reference materials in each classroom. District personnel routinely review and update safety measures in partnership with community partners including the Amherst and Pelham Police and Fire Departments, the UMass Police Department, the Amherst College Police Department, the Massachusetts State Police, and the Massachusetts Emergency Management Agency. Information on school safety procedures is available through *Voices from Our Schools: School Safety Special*.
- The districts once again partnered with families, friends, community members, and organizations to provide income-eligible students with backpacks filled with school supplies for the start of this school year. More than 300 backpacks were distributed.
- The district welcomed Dr. Faye Brady, Director of Student Services, who began her work in the district in July 2012. Dr. Brady brings extensive experience and expertise to this role through her work in New Jersey.]

Initiatives in 2013-2014

Some of the highlights of challenges and focus in FY14 will include:

- To continue the process of exploring, and potentially implementing, a new educational governance structure based on recommendations by the RSDPB.
- To fully implement any recommended changes to the schedule/use of time that may result from the current research and conversations around this issue.
- To continue to provide mandated professional development and district/school professional development in a cohesive, embedded manner to support the growth of staff, while minimizing the amount of time out of the classroom.
- To continue to implement recommendations specific to identified barriers and community needs to ensure that all students benefit from programs and services.
- To continue to strengthen and expand methods of community engagement with students, staff, families and community.
- To continue efforts to strengthen, expand, and seek out new partnerships and collaborative initiatives to support our schools.

AMHERST-PELHAM REGIONAL SCHOOLS

Fiscal Year 2013

AMHERST-PELHAM REGIONAL SCHOOL COMMITTEE

Amherst Representatives

Katherine Appy
Rick Hood
Lawrence O'Brien, Vice-Chair
Amilcar Shabazz
Rob Spence (until 2013 election)
Kathleen Traphagen (elected 2013)

Leverett Representative

Kip Fonsh, Chair

Pelham Representatives

Debbie Gould
Trevor Baptiste

Shutesbury Representative

Michael DeChiara

The Regional School Committee represents the four communities that comprise the Amherst-Pelham Regional School District: Amherst, Leverett, Pelham, and Shutesbury. It is responsible for the direction and support of the educational programs for students in Grades 7 through 12 from each of these towns. Committee meetings are open to the public, except for executive sessions as prescribed by law, and are held regularly on the second and fourth Tuesday evenings of each month. Opportunity is available at every meeting for public participation.

STUDENTS

The following demographic data is based on official enrollment numbers as of October 1, 2012.

| | Middle School | High School | District Totals |
|--------------------|---------------|-------------|-----------------|
| Grade 7 | | | |
| Total Enrollment | 236 | N/A | 236 |
| Special Education | 53 | N/A | 53 |
| ELE | 12 | N/A | 12 |
| Free/Reduced Lunch | 67 | N/A | 67 |
| Grade 8 | | | |
| Total Enrollment | 238 | N/A | 238 |
| Special Education | 44 | N/A | 44 |
| ELE | 9 | N/A | 9 |
| Free/Reduced Lunch | 68 | N/A | 68 |
| Grade 9 | | | |
| Total Enrollment | N/A | 261 | 261 |
| Special Education | N/A | 70 | 70 |
| ELE | N/A | 9 | 9 |
| Free/Reduced Lunch | N/A | 78 | 78 |
| Grade 10 | | | |
| Total Enrollment | N/A | 259 | 259 |
| Special Education | N/A | 50 | 50 |
| ELE | N/A | 14 | 14 |
| Free/Reduced Lunch | N/A | 70 | 70 |
| Grade 11 | | | |
| Total Enrollment | N/A | 250 | 250 |
| Special Education | N/A | 44 | 44 |
| ELE | N/A | 7 | 7 |
| Free/Reduced Lunch | N/A | 64 | 64 |

Grade 12

| | | | |
|--------------------|-----|-----|-----|
| Total Enrollment | N/A | 283 | 283 |
| Special Education | N/A | 59 | 59 |
| ELE | N/A | 3 | 3 |
| Free/Reduced Lunch | N/A | 60 | 60 |

TOTALS

| | | | |
|--------------------|-----------|-----------|-----------|
| Total Enrollment | 474 | 1053 | 1527 |
| Special Education | 97 / 21% | 223 / 21% | 320 / 21% |
| ELE | 21 / 04% | 33 / 03% | 54 / 04% |
| Free/Reduced Lunch | 135 / 29% | 272 / 26% | 407 / 27% |

Enrollments on October 1 over the last ten years were as follows:

| | |
|-----------------|-----------------|
| 2003-2004—2,043 | 2008-2009—1,764 |
| 2004-2005—1,949 | 2009-2010—1,691 |
| 2005-2006—1,924 | 2010-2011—1,592 |
| 2006-2007—1,877 | 2011-2012—1,546 |
| 2007-2008—1,817 | 2012-2013—1,527 |

In addition, 38 Regional students were enrolled in Vocational Schools as of October 1, 2012. Twenty-one students attended other school districts under the state's School Choice Program, and 67 students were enrolled at charter schools. Tuition for district students to attend these schools is paid by the Regional School District.

HIGHLIGHTS IN 2012-2013

The core mission of the Amherst-Pelham Regional Schools is to “provide all students with a high quality education that enables them to be contributing members of a multiethnic, multicultural, pluralistic society.” This informs everything we do as educators, and during Fiscal Year 2013, we have continued to move toward our district-wide long-term goals. To see the plan that guides our work, read *District Improvement Plan: A Blueprint for Continuous Growth*.

- The Districts’ partnership with the University of Massachusetts, created in FY2011, moved forward with its intensive, systems-level work focusing on the instructional core. District-level and site-level instructional leadership teams are working in collaboration with teacher teams to examine student achievement and improve outcomes for students at all levels. Instructional Rounds, which provide a process for observation, data gathering, and analysis of instruction to inform district and school decision making, are now conducted routinely as a regular part of the building-level professional learning process.
- The district formalized the use of the Response to Intervention (RTI) model for student support and intervention. Our implementation of a universal screening tool is moving the district forward in our data-based decision making efforts and provides teachers access to real-time student data to inform instruction, target intervention, and monitor progress. Significant progress was made in implementing a tiered intervention

program which provides multi-leveled instruction in our classrooms. We made decisions with a higher level of knowledge about students than we were able to previously. In addition, a team of Central Office staff members have been trained in Harvard University's Data Wis Program; they will be bringing this system to a wider audience in coming months.

- The School-Wide Positive Behavior System model is now a district-wide, proactive systems approach to improving social and academic competency for all students, and all schools are currently engaged in a three-year implementation process. For more information, please see *Voices from Our School* focused on PBIS.
- The School-Wide Positive Behavior System model is now a district-wide, proactive systems approach to improving social and academic competency for all students, and all schools are currently engaged in a three-year implementation process.
- The district's strong partnership with Amherst College continued to grow and strengthen under the direction of Amherst College President, Dr. Biddy Martin. The college continued their funding for the district Volunteer Coordinator position held by Kimberly Stender, a portion of the salary of Dr. Rhonda Cohen, Director of Teaching and Learning, and expanded their support of the schools by providing \$10,000 for vouchers for the Out-of-School Time partnership.
- School safety was enhanced significantly by implementation of the camera/buzzer entry system at all schools, new bus protocols for kindergarten students and the addition of comprehensive safety/emergency flip-charts as easy reference materials in each classroom. District personnel routinely review and update safety measures in partnership with community partners including the Amherst and Pelham Police and Fire Departments, the UMass Police Department, the Amherst College Police Department, the Massachusetts State Police, and the Massachusetts Emergency Management Agency. Information on school safety procedures is available through *Voices from Our Schools: School Safety Specia*.
- The districts once again partnered with families, friends, community members, and organizations to provide income-eligible students with backpacks filled with school supplies for the start of this school year. More than 300 backpacks were distributed.
- The district welcomed Dr. Faye Brady, Director of Student Services, who began her work in the district in July 2012. Dr. Brady brings extensive experience and expertise to this role through her work in New Jersey.

INITIATIVES IN 2012-2013

- Each of the four towns in the Regional School District appointed members to the Regional School District Planning Board to continue more in-depth research on the impact of various educational regionalization scenarios for their communities.
- Our district is comprised of five union groups, four of which have contracts that are being renegotiated in 2013. These groups are as follows: teachers, clerical/media staff, and paraprofessionals which are represented by the Amherst-Pelham Education Association; and assistant principals and district administrators, which are represented by the Amherst-Pelham Administrators Association. Custodial/maintenance staff members are represented by AFSCME/AFL-CIO and they resolved their union contracts prior to the start of FY13.

- The districts are doing extensive work around the issue of time on learning and school schedules. Currently, the schedules for the elementary day have been audited, the School Committee's request by the New England School Development Council and are under discussion.
- The districts are implementing the State mandated Educator Evaluation Model for teachers and administrators under the direction of Michael Morris, Director of Educator Evaluation and Assessment Analysis. All staff and administrators were trained before the start of the school year in the new processes and procedures. Leadership work has been focused on improving the level of feedback that educators receive on their practice to enhance our cycle of inquiry and learning for adults working in the district. More information about the new MA Model for Educator Evaluation can be seen in the recent *Voices from Our School* episode. The Model has a multi-year role-out, with new elements (such as student surveys and multiple measures of student achievement) to be implemented for the next three years.
- Dr. Cohen is leading the district in curriculum evaluation, K-12 curriculum alignment and alignment to the Common Core Standards. In 2013, Mathematics was the major area of focus. For a full update on this work, see Teaching and Learning Update: K-12 Curriculum Alignmen.
- Dr. Guevara is leading district efforts to assess and improve the work pertaining to family and community engagement with a team comprised of community five-college partners, a school committee member and principals. This team is also leading the work to eliminate barriers to academic success for all students.
- Dr. Guevara is also leading the work toward achieving the "Vision for the After-school Programs" recommended by Superintendent Geryk for the three elementary schools. During the first half of the year, work has focused on having one program at each school, aligning programming practices and increasing program availability to income-eligible students. A program inspired by Brookline's "Steps to Success" will be developed for the district.
- The Amherst, Pelham, and Amherst Pelham Regional Schools are currently engaged in the Department of Elementary and Secondary Education Coordinated Program Review process. This process involves procedural compliance audits of Special Education, English Learner Education, Civil Rights (MOA), and Title I. Please see the District Improvement Plan for full goal information.

TOWN MEETING COORDINATING COMMITTEE

Fiscal Year 2013

The seven members of the Town Meeting Coordinating Committee (TMCC) are elected by Town Meeting to help Town Meeting function effectively as the Town's legislative body. They work to help prepare members of Town Meeting to make informed votes on warrant articles and to be sure that procedures and facilities serve sessions well. TMCC also reaches out to the public about Town Meeting. This year the committee met 23 times and there were 4 meetings of subcommittees.

During the past year TMCC:

- Posted information and announcements related to Town Meeting on its listserv regularly.
- Updated and added material to the TMCC page of the Town Website throughout the year.
- Prepared information about Town Meeting for the 2 packets mailed to Town Meeting members before spring and fall meetings.
- Circulated guidelines to help those presenting material, particularly visual material, at Town Meeting.
- Called attention to difficulty the audience has been having to read projections due to overhead lighting on the stage. A new projector with increased power will be available soon.
- Arranged for special seating for handicapped and physically challenged Town Meeting members.
- Held Warrant Review meetings, cosponsored by the League of Women Voters, to introduce all warrant articles.
- Held bus tours to visit sites related to articles.
- Held precinct meetings.
- Before the Town Election, sent post cards to members of Town Meeting who had expiring terms and made welcome calls to new members.
- Held an orientation meeting for new members.
- Between fall and spring meetings, sponsored an information forum, **Greening Amherst,---Our Budget, Our Master Plan, Our Planet.**
- Reviewed evaluation forms from TMCC events, suggestions and concerns received in the suggestion box, as well as comments about Town Meeting from the public and the Select Board.
- Met with Town Manager, John Musante to discuss Town Meeting, the TMCC budget and continued support for partial help for family members needing care during Town Meeting. A survey was done about dependent care.
- In response to our concern about making it easier for Town Meeting members to prepare 4 copies of amendments to articles, the IT Department provided the use of a printer.
- Met with the new Town Moderator, Jim Pistrang and attended a meeting he held after Annual Town Meeting for Town staff involved with Town Meetings. Several facility and procedural concerns were addressed, resulting in improvements, including an offer to have IT available to help presenters of articles and amendments.
- Began the updating and revision of a new Zoning Primer to help Town Meeting members understand zoning articles. In addition there were plans to ask the Planning Board to take part in a meeting to explain how zoning works and to include time for lots of questions.
- Continued looking for ways to improve the audio control system in the auditorium and help for those needing hearing support.

The Town Meeting Coordinating Committee welcomes questions, suggestions and concerns about Town Meeting.

TMCC Members

Margaret Roberts, Chair
Mary Streeter, Vice-Chair
Patricia G. Holland, Clerk
Nonny Burack, Stacker
TracyLee S. G. Boutilier
Melissa H. Perot
Alan W. Powell

Aaron A. Hayden, Select Board Liaison

ZONING BOARD OF APPEALS

Fiscal Year 2013

The Amherst Zoning Board of Appeals (ZBA) received 29 applications during Fiscal Year 2013, four (4) of which were withdrawn.

The Zoning Board of Appeals met 39 times during FY 13, including four (4) Administrative Meetings. The number of applications during Fiscal Year 2013 represents a consistent level of activity as compared to the previous fiscal years. The following chart shows the number of applications submitted for the Fiscal Years of 2008 to 2013:

| Fiscal Year | Number of Applications |
|--------------------|-------------------------------|
| 2008 | 37 |
| 2009 | 42 |
| 2010 | 14 |
| 2011 | 25 |
| 2012 | 31 |
| 2013 | 29 |

During this fiscal year, one (1) decision of the Zoning Board of Appeals was appealed:

- 145 North Whitney – The ZBA denied a request to all a greyhound rescue and adoption operation as a home occupation. The appeal still pending.

Two applications were appeals of a determination of the Building Commissioner:

- 290 Lincoln Avenue – The ZBA upheld the issuance of a demolition permit for a detached barn. The matter was remanded back to the Historical Commission with the Zoning Board of Appeals uphold their decision to allow its demolition.
- Hobart Lane – The ZBA upheld an order of the Building Commissioner requiring a landlord to pay fines for violation of the occupancy Zoning Bylaw. The matter began in response to a fire in one unit at the 14 unit complex where residents were illegally occupying basement rooms.

The Zoning Board of Appeals approved the following residential projects, resulting in the creation of 61 additional new dwelling units:

- 36 Mount Holyoke Drive, supplemental apartment (new construction)
- 179 Northampton Road, non-owner occupied two family dwelling (new construction)
- 950 North Pleasant Street, 54 new units at Presidential Apartments (new construction)
- 16 Adams Street, converted dwelling
- 62 Taylor Street, non-owner occupied two family dwelling.

The Zoning Board of Appeals approved eleven (11) requests for creation or expansion of the following businesses:

- 28 Amity Street – for the creation of a new cinema space at Amherst Cinema
- 90 Gatehouse Road – for the construction of a small addition and handicapped accessible entrance at Hampshire Athletic Club
- 188 East Hadley Road – for the exterior renovation of six apartment buildings at The Boulders
- 17 Seelye Street – for the construction of a new oversized sign at the First Congregational Church
- 24 Dickinson Street – to use the building for up to six professional offices
- 1550 West Street – to allow the continued operation of the Lane Quarry
- 19 North Pleasant Street – to allow the extension of the hours of operation until 2:00 a.m. for J Gumbo’s restaurant
- 22 Lessey Street – to allow a change in the rooftop wireless communication antenna on the Clark House
- 660 West Street – to allow the alteration of a non-conforming building to create roof overhand and handicapped accessibility
- 181 D University Drive – to allow the creation of a new take out only Class II restaurant d/b/a Wings Over Amherst
- 398 Northampton Road – to allow the expansion of an existing auto sales and repair business and construction of a new building for Zbylut Motor Works.

Public Meetings

The Board held four (4) Administrative Meetings during FY 13 for the purposes of reviewing procedures, conditions, and process oriented items. One of the meetings included the Planning Director and chair of the Zoning Subcommittee to review proposed revisions to the Zoning Bylaw. The following is a list of the membership in FY 13:

| Full Members | Year Appointed | Term Expires |
|-------------------|----------------|--------------|
| Eric Beal (Chair) | 2005 | 2014 |
| Hilda Greenbaum | 2005 | 2014 |
| Thomas Ehrgood | 2008 | 2016 |
| Associate Members | Year Appointed | Term Expires |
| Mark Parent | 2009 | 2014 |
| Keith Langsdale | 2009 | 2014 |
| Carolyn Holstein | 2010 | 2014 |
| Pari Riahi | 2013 | 2014 |

Jeffrey Bagg, Senior Planner, provided staff support to the Zoning Board of Appeals during FY 13. Town staff continued to enhance the available online resources, integrating electronic transmittals, and providing the Board members with additional trainings.

The following is a link to the Zoning Board of Appeals webpage: <http://www.amherstma.gov/index.aspx?nid=235>



Amherst Massachusetts

ACCOUNTING

Sonia Aldrich, Comptroller

Phone: (413) 259-3026

Town Hall

Fax: (413) 259-2401

accounting@amherstma.gov

Report of the Comptroller

The accompanying pages include the Town of Amherst's unaudited financial statements for the fiscal year ended June 30, 2013

Respectfully submitted,

Sonia Aldrich

Comptroller

Table of Contents

Combined Balance Sheet – All Fund Types and Account Groups

Combined Statement of Revenues, Expenditures and Changes in Fund Equity – All Governmental Fund Types and Expendable Trust Funds

Combined Statement of Revenues, Expenditures and Changes in Fund Equity – All Proprietary Fund Types and Similar Trust Funds

Statement of Revenues and Other Sources and Expenditures and Other Uses – Budget and Actual – General Fund

Statement of Revenues and Other Sources and Expenditures and Other Uses - Budget and Actual – Sewer Fund, Water Fund, Solid Waste Fund and Transportation

Combining Statement of Revenues, Expenditures and changes in Fund Equity –Internal Service, includes Health Claims Trust Fund and Workers Compensation Fund.

Health Claims Trust Fund – Detailed Income Statement.

Combining Statement of Revenues, Expenditures and changes in Fund Equity – Stabilization Fund and Property and Casualty Insurance Claims.

Combining Statement of Revenues, Expenditures and changes in Fund Equity –Expendable and Non-Expendable Trust Funds

Combining Statement of Revenues, Expenditures and changes in Fund Equity –Expendable and Non-Expendable Trust Funds- Detail Income Statement

FY 2013 Approved Budget – General Fund

Comptroller

TOWN OF AMHERST, MASSACHUSETTS
Combined Balance Sheet - All Fund Types and Account Groups
On June 30, 2013
(Unaudited)

ASSETS

| | Governmental Fund Types | | | Proprietary Fund Types | | Fiduciary Fund Types | Account Groups | Totals (Memorandum Only) |
|---|-------------------------|-----------------|------------------|------------------------|-------------------|----------------------|-----------------|--------------------------|
| | General | Special Revenue | Capital Projects | Enterprise | Internal Services | Trust and Agency | Long-term Debt | |
| sh and cash equivalents | \$ 7,988,520.51 | \$ 4,353,248.04 | \$ 3,800,839.67 | \$ 12,426,537.10 | \$ 8,112,089.16 | \$ 3,635,567.92 | | \$ 40,316,802.40 |
| Investments | - | - | - | - | - | - | | - |
| Receivables: | | | | | | | | |
| Property taxes | 774,729.93 | - | - | 28,074.32 | - | - | | 802,804.25 |
| Special assessments | - | 221,785.65 | - | - | - | - | | 221,785.65 |
| Tax liens and foreclosures | 787,161.24 | 4,212.60 | - | 34,786.57 | - | - | | 826,160.41 |
| Excises | 255,314.46 | - | - | - | - | - | | 255,314.46 |
| Utility Charges | - | - | - | 854,291.27 | - | - | | 854,291.27 |
| Departmental | 19,318.49 | 1,034,551.45 | - | 363,164.59 | - | 67,824.42 | | 1,484,858.95 |
| Deposits receivable | - | - | - | - | - | - | | - |
| Other receivables | 6,882.10 | 40,303.83 | - | - | - | - | | 47,185.93 |
| Due from other governments | 246,411.22 | 927,035.97 | - | - | - | - | | 1,173,447.19 |
| sh and cash equivalents (LSSE Prepaids) | - | 19,909.95 | - | - | - | - | | 19,909.95 |
| Inventory | - | - | - | - | - | - | | - |
| Accumulated depreciation | 25,192,097.98 | - | - | 21,309,493.32 | - | - | | 46,501,591.30 |
| Accounts payable | - | 36,660.00 | - | 8,417,000.00 | - | - | \$ 8,890,000.00 | 17,343,660.00 |
| Accounts to be provided - vacation and sick leave | - | - | - | - | - | - | | - |
| Total Assets | \$ 35,270,445.93 | \$ 6,637,707.49 | \$ 3,800,839.67 | \$ 43,433,347.17 | \$ 8,112,089.16 | \$ 3,703,392.34 | \$ 8,890,000.00 | \$ 109,847,821.76 |

LIABILITIES AND FUND EQUITY

Liabilities:

| | | | | | | | | |
|---|-----------------|-----------------|------|-----------------|--------------|--------------|-----------------|-----------------|
| Deferred revenue | \$ 2,027,447.50 | \$ 1,664,873.03 | \$ - | \$ 1,280,316.75 | \$ - | \$ 67,824.42 | | \$ 5,040,461.70 |
| Provision for abatements and exemptions | 289,093.89 | - | - | - | - | - | | 289,093.89 |
| Accounts payable | - | - | - | - | 1,623,739.00 | - | | 1,623,739.00 |
| Accrued payroll and withholdings | 1,967,421.67 | 75,101.69 | - | - | - | - | | 2,042,523.36 |
| Other liabilities | 78,805.38 | - | - | - | - | 238,818.30 | | 317,623.68 |
| Bonds payable | - | 36,660.00 | - | 8,417,000.00 | - | - | \$ 8,890,000.00 | 17,343,660.00 |
| Notes payable | - | - | - | - | - | - | | - |
| Vacation and sick leave liability | - | - | - | - | - | - | | - |
| Total Liabilities | 4,362,768.44 | 1,776,634.72 | - | 9,697,316.75 | 1,623,739.00 | 306,642.72 | 8,890,000.00 | 26,657,101.63 |

Fund Equity:

| | | | | | | | | |
|--|------------------|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|-------------------|
| Reserved for encumbrances | 356,083.60 | 21,094.43 | 2,183,419.33 | 1,841,960.29 | 3,389.18 | - | | 4,405,946.83 |
| Reserved for expenditures | 120,000.00 | 2,445,028.00 | - | 140,195.00 | - | - | | 2,705,223.00 |
| Reserved for continuing appropriations | - | - | 1,442,329.46 | 6,982,745.07 | - | - | | 8,425,074.53 |
| Reserved for Revenue deficit | - | - | - | - | - | - | | - |
| Reserved for appropriation deficit | - | - | - | - | - | - | | - |
| Reserved for Debt Service | - | - | - | - | - | - | | - |
| Reserved for endowments | - | - | - | - | - | 328,172.86 | | 328,172.86 |
| Unreserved, designated | - | - | - | 94,008.90 | - | - | | 94,008.90 |
| Unreserved, undesignated | 5,239,495.91 | 2,394,950.34 | 175,090.88 | - | 6,484,960.98 | 3,068,576.76 | | 17,363,074.87 |
| Unreserved retained earnings | - | - | - | 3,367,627.84 | - | - | | 3,367,627.84 |
| Investment in capital assets | 25,192,097.98 | - | - | 21,309,493.32 | - | - | | 46,501,591.30 |
| Reserved for overlay deficits | - | - | - | - | - | - | | - |
| Reserved for over/under assessments | - | - | - | - | - | - | | - |
| Total Fund Equity | 30,907,677.49 | 4,861,072.77 | 3,800,839.67 | 33,736,030.42 | 6,488,350.16 | 3,396,749.62 | - | 83,190,720.13 |
| Total Liabilities and Fund Equity | \$ 35,270,445.93 | \$ 6,637,707.49 | \$ 3,800,839.67 | \$ 43,433,347.17 | \$ 8,112,089.16 | \$ 3,703,392.34 | \$ 8,890,000.00 | \$ 109,847,821.76 |

TOWN OF AMHERST, MASSACHUSETTS
Combined Statement of Revenues, Expenditures and
Changes in Fund Equity
All Governmental Fund Types and Expendable Trust Funds
For the Year Ended June 30, 2013
(Unaudited)

| | Governmental Fund Types | | | Fiduciary Fund Types | Totals (Memorandum Only) |
|--|-------------------------|-----------------------|---------------------|-------------------------|--------------------------------|
| | General | Special Revenue | Capital Projects | Expendable Trust | |
| Revenues: | | | | | |
| Property taxes | 41,510,309.74 | 424,114.16 | - | - | 41,934,423.90 |
| Excise | 2,233,019.92 | - | - | - | 2,233,019.92 |
| Interest, penalties and other taxes | 1,157,935.88 | - | - | - | 1,157,935.88 |
| Charges for services | - | 3,770,745.99 | - | - | 3,770,745.99 |
| Licenses and permits | 1,109,085.87 | - | - | - | 1,109,085.87 |
| Intergovernmental | 14,240,174.00 | 4,983,940.57 | - | - | 19,224,114.57 |
| Fines and forfeits | 269,228.91 | - | - | - | 269,228.91 |
| Interest earnings | 76,093.88 | 3,202.47 | - | 39,164.53 | 118,460.88 |
| Miscellaneous | 2,565,909.64 | 131,607.27 | - | 62,063.78 | 2,759,580.69 |
| Audit Adjustment | - | - | - | - | - |
| Contributions | - | 228,387.35 | - | - | 228,387.35 |
| Total Revenues | 63,161,757.84 | 9,541,997.81 | - | 101,228.31 | 72,804,983.96 |
| Expenditures: | | | | | |
| General Government | 9,177,215.27 | 148,109.67 | 349,292.48 | 20,968.78 | 9,695,586.20 |
| Public Safety | 8,876,436.40 | 424,433.26 | 612,883.56 | - | 9,913,753.22 |
| Public Works | 1,928,721.59 | 771,644.84 | 253,998.88 | - | 2,954,365.31 |
| Planning, Conservation and Inspections | 928,278.77 | 2,057,325.20 | 405,031.75 | - | 3,390,635.72 |
| Community Services | 1,730,271.05 | 1,056,991.41 | 257,809.12 | - | 3,045,071.58 |
| Library Services | 1,690,787.90 | 46,414.92 | 71,443.75 | - | 1,808,646.57 |
| Education | 35,490,745.34 | 1,588,971.45 | 509,968.46 | - | 37,589,685.25 |
| Debt Service | 1,428,392.50 | 5,305.00 | - | - | 1,433,697.50 |
| Intergovernmental | 2,120,304.47 | - | - | - | 2,120,304.47 |
| Total Expenditures | 63,371,153.29 | 6,099,195.75 | 2,460,428.00 | 20,968.78 | 71,951,745.82 |
| Excess (deficiency) of revenues over expenditures | (209,395.45) | 3,442,802.06 | (2,460,428.00) | 80,259.53 | 853,238.14 |
| Other Financing Sources (Uses): | | | | | |
| Bond Proceeds | - | - | 1,765,000.00 | - | 1,765,000.00 |
| Operating transfers in | 3,758,089.28 | 84,700.14 | 2,591,007.96 | 1,002,440.00 | 7,436,237.38 |
| Operating transfers (out) | (3,347,152.00) | (3,499,062.77) | (689,654.61) | (20,071.00) | (7,555,940.38) |
| Total Other Financing Sources (Uses) | 410,937.28 | (3,414,362.63) | 3,666,353.35 | 982,369.00 | 1,645,297.00 |
| Excess (deficiency) of revenues and other sources over expenditures and other uses | 201,541.83 | 28,439.43 | 1,205,925.35 | 1,062,628.53 | 2,498,535.14 |
| Fund Equity, July 1, 2012 | 5,514,037.68 | 4,832,633.34 | 2,594,914.32 | 1,886,704.65 | 14,828,289.99 |
| Fund Equity, June 30, 2013 | \$ 5,715,579.51 | \$ 4,861,072.77 | \$ 3,800,839.67 | \$ 2,949,333.18 | \$ 17,326,825.13 |

TOWN OF AMHERST, MASSACHUSETTS
Combined Statement of Revenues, Expenditures and
Changes in Fund Equity
All Proprietary Fund and Similar Trust Funds
For the Year Ended June 30, 2013
(Unaudited)

| | Enterprise | Internal Service | Fiduciary Fund Types Non-expendable Trust Funds | Totals (Memorandum Only) |
|---|-------------------------|------------------------|--|--------------------------------|
| Revenues: | | | | |
| Property taxes | \$ - | \$ - | \$ - | \$ - |
| Excise | - | - | - | - |
| Interest, penalties and other taxes | - | - | - | - |
| Charges for services | 9,468,272.53 | 13,435,529.25 | - | 22,903,801.78 |
| Licenses and permits | - | - | - | - |
| Intergovernmental | - | - | - | - |
| Fines and forfeits | - | - | - | - |
| Interest earnings | 19,930.64 | 15,117.46 | 10,628.66 | 45,676.76 |
| Miscellaneous | - | - | - | - |
| Contributions | - | - | - | - |
| Total Revenues | <u>9,488,203.17</u> | <u>13,450,646.71</u> | <u>10,628.66</u> | <u>22,949,478.54</u> |
| Expenditures: | | | | |
| General Government | - | 12,729,265.13 | - | 12,729,265.13 |
| Public Safety | 1,853,740.51 | - | - | 1,853,740.51 |
| Public Works | 7,080,831.84 | - | - | 7,080,831.84 |
| Planning, Conservation and Inspections | - | - | - | - |
| Community Services | - | - | 1,957.95 | 1,957.95 |
| Library Services | - | - | - | - |
| Education | - | - | 3,000.00 | 3,000.00 |
| Debt Service | 682,891.25 | - | - | 682,891.25 |
| Intergovernmental | - | - | - | - |
| Total Expenditures | <u>9,617,463.60</u> | <u>12,729,265.13</u> | <u>4,957.95</u> | <u>22,351,686.68</u> |
| Excess (deficiency) of revenues over expenditures | (129,260.43) | 721,381.58 | 5,670.71 | 597,791.86 |
| Other Financing Sources (Uses): | | | | |
| Bond Proceeds | 4,087,000.00 | - | - | 4,087,000.00 |
| Operating transfers in | 846,308.50 | 1,018,650.00 | - | 1,864,958.50 |
| Operating transfers (out) | (1,745,255.50) | - | - | (1,745,255.50) |
| Total Other Financing Sources (Uses) | <u>3,188,053.00</u> | <u>1,018,650.00</u> | <u>-</u> | <u>4,206,703.00</u> |
| Excess (deficiency) of revenues and other sources over expenditures and other uses | 3,058,792.57 | 1,740,031.58 | 5,670.71 | 4,804,494.86 |
| Fund Equity, July 1, 2012 | <u>9,367,744.53</u> | <u>4,748,318.58</u> | <u>441,745.73</u> | <u>14,557,808.84</u> |
| Net IBNR Adjustment from FY12 to FY13 | - | - | - | - |
| Fund Equity, June 30, 2013 | <u>\$ 12,426,537.10</u> | <u>\$ 6,488,350.16</u> | <u>\$ 447,416.44</u> | <u>\$ 19,362,303.70</u> |

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources and Expenditures and Other Uses
Budget and Actual - General Fund
For the Fiscal Year Ended June 30, 2013
(Unaudited)

| | Budget | Actual | Variance Favorable (Unfavorable) |
|--|--------------------|------------------|--|
| Revenues and Other Sources: | | | |
| Property taxes | \$ 41,386,395.00 | \$ 41,510,309.74 | \$ 123,914.74 |
| Excise | \$ 2,063,750.00 ▼ | \$ 2,233,019.92 | \$ 169,269.92 |
| Penalties, interest and other taxes | \$ 1,134,083.00 ▼ | \$ 1,157,935.88 | \$ 23,852.88 |
| Licenses and permits | \$ 797,550.00 | \$ 1,109,085.87 | \$ 311,535.87 |
| Intergovernmental | \$ 14,213,664.00 ▼ | \$ 14,240,174.00 | \$ 26,510.00 |
| Fines and forfeits | \$ 227,033.00 | \$ 269,228.91 | \$ 42,195.91 |
| Interest earnings | \$ 75,000.00 | \$ 76,093.88 | \$ 1,093.88 |
| Miscellaneous | \$ 2,569,540.00 ▼ | \$ 2,819,579.67 | \$ 250,039.67 |
| Contributions | | | \$ - |
| Transfers in | \$ 3,295,741.00 | \$ 3,295,741.00 | \$ - |
| Other Sources (free cash and overlay) | \$ 1,424,522.00 | \$ 1,424,522.00 | \$ - |
| Total Revenues and Other Sources | \$ 67,187,278.00 | \$ 68,135,690.87 | \$ 948,412.87 |
| Expenditures and Other Uses: | | | |
| General Government | \$ 10,347,240.00 | \$ 10,200,260.16 | \$ 146,979.84 |
| Public Safety | \$ 8,877,651.00 | \$ 8,874,227.23 | \$ 3,423.77 |
| Public Works | \$ 1,996,684.00 | \$ 1,962,903.06 | \$ 33,780.94 |
| Planning, Conservation and Inspections | \$ 927,560.00 | \$ 925,926.09 | \$ 1,633.91 |
| Community Services | \$ 1,731,977.00 | \$ 1,731,219.88 | \$ 757.12 |
| Library Services | \$ 1,690,789.00 | \$ 1,690,787.90 | \$ 1.10 |
| Education | \$ 35,354,563.00 | \$ 35,281,512.82 | \$ 73,050.18 |
| Debt Service | \$ 1,428,395.00 | \$ 1,428,392.50 | \$ 2.50 |
| Region and Deferred Teachers Pay ▼ | \$ 363,063.00 | \$ 363,062.56 | \$ 0.44 |
| Intergovernmental-Assessments | \$ 2,172,716.00 | \$ 2,166,498.78 | \$ 6,217.22 |
| Transfers Out (Capital) | \$ 2,296,640.00 | \$ 2,296,640.00 | \$ - |
| Total Expenditures and Other Uses | \$ 67,187,278.00 | \$ 66,921,430.98 | \$ 265,847.02 |
| Excess of revenues and other sources over expenditures and other uses | \$ - | \$ 1,214,259.89 | \$ 1,214,259.89 |

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Sewer Fund
For the Fiscal Year Ending June 30, 2013

| | Budget | Actual | Variance Favorable (Unfavorable) |
|--|------------------------|------------------------|--|
| Revenues and Other Sources: | | | |
| Charges for services | \$ 3,739,520.00 | \$ 3,993,404.63 | \$ 253,884.63 |
| Interest earnings | \$ 7,000.00 | \$ 9,932.37 | \$ 2,932.37 |
| Other sources | \$ 242,668.00 | \$ 242,668.00 | \$ - |
| Total Revenues and Other Sources | <u>\$ 3,989,188.00</u> | <u>\$ 4,246,005.00</u> | <u>\$ 256,817.00</u> |
| Expenses and Other Uses: | | | |
| Personnel | \$ 1,410,946.00 | \$ 1,388,617.73 | \$ 22,328.27 |
| Purchase of services | \$ 1,052,417.00 | \$ 1,101,990.81 | \$ (49,573.81) |
| Supplies | \$ 59,900.00 | \$ 48,715.48 | \$ 11,184.52 |
| Other charges and expenses | \$ 323,526.00 | \$ 303,768.26 | \$ 19,757.74 |
| Transfers | \$ 336,333.00 | \$ 336,333.00 | \$ - |
| Capital outlay | \$ 486,000.00 | \$ 486,000.00 | \$ - |
| Debt service | \$ 320,066.00 | \$ 318,066.25 | \$ 1,999.75 |
| Other uses | | | \$ - |
| Total Expenses and Other Uses | <u>\$ 3,989,188.00</u> | <u>\$ 3,983,491.53</u> | <u>\$ 5,696.47</u> |
| Excess of revenues and other sources over expenses and other uses | <u>\$ -</u> | <u>\$ 262,513.47</u> | <u>\$ 262,513.47</u> |

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Water Fund
For the Fiscal Year Ending June 30, 2013
(Unaudited)

| | Budget | Actual | Variance Favorable (Unfavorable) |
|--|------------------------|------------------------|--|
| Revenues and Other Sources: | | | |
| Charges for services | \$ 3,920,995.00 | \$ 4,068,262.44 | \$ 147,267.44 |
| Interest earnings | \$ 5,000.00 | \$ 9,147.74 | \$ 4,147.74 |
| Other sources | \$ - | \$ - | \$ - |
| Total Revenues and Other Sources | <u>\$ 3,925,995.00</u> | <u>\$ 4,077,410.18</u> | <u>\$ 151,415.18</u> |
| Expenses and Other Uses: | | | |
| Personnel | \$ 1,345,566.00 | \$ 1,370,935.92 | \$ (25,369.92) |
| Purchase of services | \$ 676,267.00 | \$ 715,656.33 | \$ (39,389.33) |
| Supplies | \$ 179,100.00 | \$ 104,791.73 | \$ 74,308.27 |
| Other charges and expenses | \$ 673,571.00 | \$ 656,480.17 | \$ 17,090.83 |
| Transfers | \$ 427,641.00 | \$ 427,641.00 | \$ - |
| Capital outlay | \$ 325,000.00 | \$ 325,000.00 | \$ - |
| Debt service | \$ 298,850.00 | \$ 298,850.00 | \$ - |
| Other uses | | | \$ - |
| Total Expenses and Other Uses | <u>\$ 3,925,995.00</u> | <u>\$ 3,899,355.15</u> | <u>\$ 26,639.85</u> |
| Excess of revenues and other sources over expenses and other uses | <u>\$ -</u> | <u>\$ 178,055.03</u> | <u>\$ 178,055.03</u> |

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual - Solid Waste Fund
For the Fiscal Year Ending June 30, 2013
(Unaudited)

| | Budget | Actual | Variance Favorable (Unfavorable) |
|--|---------------|---------------|--|
| Revenues and Other Sources: | | | |
| Charges for services | \$ 496,000.00 | \$ 442,201.55 | \$ (53,798.45) |
| Intergovernmental | | | \$ - |
| Interest earnings | \$ 800.00 | \$ 335.18 | \$ (464.82) |
| Other sources | \$ 53,055.00 | \$ 53,055.00 | \$ - |
| Total Revenues and Other Sources | \$ 549,855.00 | \$ 495,591.73 | \$ (54,263.27) |
| Expenses and Other Uses: | | | |
| Personnel | \$ 271,666.00 | \$ 254,292.28 | \$ 17,373.72 |
| Purchase of services | \$ 241,752.00 | \$ 203,562.52 | \$ 38,189.48 |
| Supplies | \$ 5,200.00 | \$ 2,095.58 | \$ 3,104.42 |
| Other charges and expenses | \$ 31,237.00 | \$ 23,273.01 | \$ 7,963.99 |
| Transfers | | | \$ - |
| Capital outlay | | | \$ - |
| Debt service | | | \$ - |
| Other uses | | | \$ - |
| Total Expenses and Other Uses | \$ 549,855.00 | \$ 483,223.39 | \$ 66,631.61 |
| Excess of revenues and other sources over expenses and other uses | \$ - | \$ 12,368.34 | \$ 12,368.34 |

TOWN OF AMHERST, MASSACHUSETTS
Statement of Revenues and Other Sources,
and Expenses and Other Uses
Budget and Actual -Transportation Fund
For the Fiscal Year Ending June 30, 2013
(Unaudited)

| | Budget | Actual | Variance Favorable (Unfavorable) |
|--|------------------------|------------------------|--|
| Revenues and Other Sources: | | | |
| Charges for services | \$ 980,000.00 | \$ 964,712.41 | \$ (15,287.59) |
| Intergovernmental | | | \$ - |
| Interest earnings | \$ 1,000.00 | \$ 515.35 | \$ (484.65) |
| Other sources | \$ 100,218.00 | \$ 100,218.00 | \$ - |
| Total Revenues and Other Sources | <u>\$ 1,081,218.00</u> | <u>\$ 1,065,445.76</u> | <u>\$ (15,772.24)</u> |
| Expenses and Other Uses: | | | |
| Personnel | \$ 269,105.00 | \$ 242,751.20 | \$ 26,353.80 |
| Purchase of services | \$ 113,113.00 | \$ 101,682.25 | \$ 11,430.75 |
| Supplies | \$ 10,500.00 | \$ 6,483.26 | \$ 4,016.74 |
| Other charges and expenses | \$ 99,381.00 | \$ 94,928.95 | \$ 4,452.05 |
| Transfers | \$ 96,835.00 | \$ 96,835.00 | \$ - |
| Capital outlay | \$ 35,000.00 | \$ 35,000.00 | \$ - |
| Debt service | \$ 65,975.00 | \$ 65,975.00 | \$ - |
| Public Transportation | \$ 391,309.00 | \$ 366,786.05 | \$ 24,522.95 |
| Other uses | | | \$ - |
| Total Expenses and Other Uses | <u>\$ 1,081,218.00</u> | <u>\$ 1,010,441.71</u> | <u>\$ 70,776.29</u> |
| Excess of revenues and other sources over expenses and other uses | <u>\$ -</u> | <u>\$ 55,004.05</u> | <u>\$ 55,004.05</u> |

TOWN OF AMHERST, MASSACHUSETTS
Combined Statement of Revenues, Expenditures and
Changes in Fund Equity
All Internal Service Funds
For the Year Ended June 30, 2013
(Unaudited)

| | 7400 OPEB Retiree Health Ins | 7401 Health Insurance | 7402 Workers' Compensation | Total |
|--|------------------------------------|-----------------------------|----------------------------------|-----------------|
| Revenues: | | | | |
| Property taxes | | | | - |
| Excise | | | | - |
| Interest, penalties and other taxes | | | | - |
| Charges for services | | 13,367,480.76 | 68,048.49 | 13,435,529.25 |
| Licenses and permits | | | | - |
| Intergovernmental | | | | - |
| Fines and forfeits | | | | - |
| Interest earnings | 47.36 | 14,427.71 | 642.39 | 15,117.46 |
| Miscellaneous | | | | - |
| Contributions | | | | - |
| Total Revenues | 47.36 | 13,381,908.47 | 68,690.88 | 13,450,646.71 |
| Expenditures: | | | | |
| General Government | | 12,663,435.11 | 65,830.02 | 12,729,265.13 |
| Public Safety | | | | - |
| Public Works | | | | - |
| Planning, Conservation and Inspections | | | | - |
| Community Services | | | | - |
| Library Services | | | | - |
| Education | | | | - |
| Debt Service | | | | - |
| Intergovernmental | | | | - |
| Total Expenditures | - | 12,663,435.11 | 65,830.02 | 12,729,265.13 |
| Excess (deficiency) of revenues over expenditures | 47.36 | 718,473.36 | 2,860.86 | 721,381.58 |
| Other Financing Sources (Uses): | | | | |
| Bond Proceeds | | | | - |
| Operating transfers in | 1,018,650.00 | | | 1,018,650.00 |
| Operating transfers (out) | | | | - |
| Total Other Financing Sources (Uses) | 1,018,650.00 | - | - | 1,018,650.00 |
| Excess (deficiency) of revenues and other sources over expenditures and other uses | 1,018,697.36 | 718,473.36 | 2,860.86 | 1,740,031.58 |
| Fund Equity, July 1, 2012 | - | 4,471,336.53 | 276,982.05 | 4,748,318.58 |
| Net IBNR Adjustment from FY12 to FY13 | | | | - |
| Fund Equity, June 30, 2013 | \$ 1,018,697.36 | \$ 5,189,809.89 | \$ 279,842.91 | \$ 6,488,350.16 |

TOWN OF AMHERST, MASSACHUSETTS
HEALTH CLAIMS TRUST INCOME STATEMENT
For the Year Ended June 30, 2013 (Unaudited)

| | Actual Jul-12 | Actual Aug-12 | Actual Sep-12 | Actual Oct-12 | Actual Nov-12 | Actual Dec-12 | Actual Jan-13 | Actual Feb-13 | Actual Mar-13 | Actual Apr-13 | Actual May-13 | Actual Jun-13 | TOTALS |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|------------------|------------------|
| Fund Balance Beginning of Month | \$ 6,095,075.53 | \$ 6,655,395.52 | \$ 6,516,945.75 | \$ 6,411,505.05 | \$ 6,762,932.38 | \$ 7,046,737.48 | \$ 6,913,300.41 | \$ 7,224,629.75 | \$ 7,420,984.81 | \$ 7,625,061.79 | \$ 7,701,433.11 | \$ 6,650,635.03 | |
| Premium Revenue BCBS: | | | | | | | | | | | Premium Holiday | | |
| Town of Amherst-PPO | \$ 25,817.90 | \$ 24,277.74 | \$ 25,817.90 | \$ 25,817.90 | \$ 25,817.90 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 278,592.86 |
| TEFRA | \$ 33,545.66 | \$ 34,189.64 | \$ 35,477.60 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 34,945.14 | \$ 624,591.03 |
| Amherst School-PPO | \$ 39,679.34 | \$ 41,219.50 | \$ 36,599.02 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 40,575.52 | \$ 442,102.02 |
| Regional School-PPO | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 25,173.92 | \$ 27,359.06 | \$ 27,359.06 | \$ 25,565.70 | \$ 27,105.86 | \$ 27,105.86 | \$ 27,105.86 | \$ 27,105.86 | \$ 288,755.96 |
| Town of Pelham-PPO | \$ 1,287.96 | \$ 1,287.96 | \$ 1,288.02 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 1,287.96 | \$ 14,167.56 |
| Town of Amherst-HMO | \$ 39,289.92 | \$ 39,867.64 | \$ 42,053.36 | \$ 41,827.08 | \$ 41,249.36 | \$ 41,827.08 | \$ 41,827.08 | \$ 41,827.08 | \$ 41,249.36 | \$ 41,249.36 | \$ 41,249.36 | \$ 41,249.36 | \$ 453,516.68 |
| Amherst School-HMO | \$ 54,940.28 | \$ 52,076.84 | \$ 55,066.56 | \$ 57,728.88 | \$ 58,306.60 | \$ 58,306.60 | \$ 58,306.60 | \$ 58,884.32 | \$ 62,803.20 | \$ 63,807.20 | \$ 63,807.20 | \$ 64,071.44 | \$ 646,071.44 |
| Regional School-HMO | \$ 90,461.64 | \$ 91,843.36 | \$ 91,843.36 | \$ 93,677.64 | \$ 90,461.64 | \$ 90,687.92 | \$ 91,265.64 | \$ 94,029.08 | \$ 91,491.92 | \$ 91,491.92 | \$ 91,491.92 | \$ 90,110.20 | \$ 1,007,364.32 |
| Town of Pelham-HMO | \$ 10,827.48 | \$ 10,827.48 | \$ 10,827.48 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 12,768.92 | \$ 134,777.80 |
| Retirees-HMO | \$ 7,486.32 | \$ 7,486.32 | \$ 7,486.32 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 23,412.16 | \$ 22,256.72 | \$ 208,600.80 |
| ONE | \$ 49,024.08 | \$ 50,191.32 | \$ 49,802.24 | \$ 104,076.90 | \$ 105,440.68 | \$ 104,467.98 | \$ 103,106.20 | \$ 102,717.12 | \$ 103,106.20 | \$ 103,106.20 | \$ 103,106.20 | \$ 105,440.68 | \$ 1,000,092.52 |
| Premium Revenue HP: | | | | | | | | | | | | | |
| Town of Amherst-PPO | \$ 117,889.64 | \$ 117,889.64 | \$ 117,889.64 | \$ 117,889.64 | \$ 116,349.48 | \$ 116,283.06 | \$ 115,705.50 | \$ 113,016.96 | \$ 114,809.32 | \$ 111,981.20 | \$ 112,047.62 | \$ 112,047.62 | \$ 1,271,751.70 |
| Retirees-PPO | \$ 82,011.00 | \$ 85,225.50 | \$ 83,965.40 | \$ 127,129.86 | \$ 129,182.52 | \$ 129,272.62 | \$ 127,986.34 | \$ 127,132.56 | \$ 125,274.99 | \$ 124,090.86 | \$ 1,899.83 | \$ 123,892.78 | \$ 1,266,520.26 |
| Amherst School-PPO | \$ 120,438.60 | \$ 117,358.28 | \$ 119,254.46 | \$ 105,933.18 | \$ 105,933.18 | \$ 106,645.22 | \$ 105,289.20 | \$ 105,289.20 | \$ 105,289.20 | \$ 105,289.20 | \$ 105,289.20 | \$ 105,289.20 | \$ 1,197,468.76 |
| Regional School-PPO | \$ 112,120.78 | \$ 110,590.62 | \$ 109,936.64 | \$ 109,392.66 | \$ 105,960.14 | \$ 108,856.32 | \$ 106,856.32 | \$ 106,856.32 | \$ 108,856.32 | \$ 106,856.32 | \$ 106,856.32 | \$ 106,856.32 | \$ 1,188,384.78 |
| Town of Pelham-PPO | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 12,965.26 | \$ 142,617.86 |
| Town of Amherst-HMO | \$ 81,117.00 | \$ 79,735.28 | \$ 80,313.00 | \$ 81,117.00 | \$ 81,694.72 | \$ 81,117.00 | \$ 81,694.72 | \$ 81,694.72 | \$ 81,694.72 | \$ 83,302.72 | \$ 81,694.72 | \$ 81,694.72 | \$ 882,412.16 |
| Amherst School-HMO | \$ 49,694.84 | \$ 51,046.56 | \$ 52,076.84 | \$ 55,844.28 | \$ 52,880.84 | \$ 54,840.28 | \$ 52,076.84 | \$ 53,458.56 | \$ 53,458.56 | \$ 53,458.56 | \$ 55,844.28 | \$ 55,844.28 | \$ 594,250.44 |
| Regional School-HMO | \$ 78,252.44 | \$ 75,489.00 | \$ 76,293.00 | \$ 75,137.56 | \$ 75,137.56 | \$ 79,282.72 | \$ 73,178.12 | \$ 76,519.28 | \$ 76,519.28 | \$ 76,519.28 | \$ 76,519.28 | \$ 76,519.28 | \$ 839,073.80 |
| Town of Pelham-HMO | \$ 4,722.88 | \$ 4,722.88 | \$ 4,722.88 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 3,341.16 | \$ 40,897.92 |
| Retirees-HMO | \$ 16,128.08 | \$ 15,324.08 | \$ 15,324.08 | \$ 32,732.76 | \$ 33,772.66 | \$ 33,426.02 | \$ 33,310.48 | \$ 33,310.48 | \$ 33,310.48 | \$ 33,310.48 | \$ 33,310.48 | \$ 33,310.48 | \$ 313,260.08 |
| Other Revenue: | | | | | | | | | | | | | |
| Interest | \$ 1,813.75 | \$ 1,816.06 | \$ 1,198.29 | \$ 983.92 | \$ 821.59 | \$ 850.02 | \$ 864.50 | \$ 809.20 | \$ 1,181.18 | \$ 1,528.72 | \$ 1,456.85 | \$ 1,103.83 | \$ 14,427.71 |
| Misc. | | | | | | | | | | | | | |
| Stop Loss Reimbursements | \$ 371,301.73 | \$ 6,396.96 | | | | \$ 14,957.26 | | | \$ 80,919.27 | \$ 78,633.79 | | | \$ 552,209.01 |
| Total Revenue: | \$ 1,423,997.06 | \$ 1,653,516.70 | \$ 1,053,645.35 | \$ 1,213,308.28 | \$ 1,209,670.05 | \$ 1,229,850.37 | \$ 1,205,422.53 | \$ 1,210,402.69 | \$ 1,288,094.56 | \$ 1,286,263.91 | \$ 3,356.48 | \$ 1,200,275.49 | \$ 13,381,906.47 |
| Expenditures: | | | | | | | | | | | | | |
| Salaries | \$ 8,962.94 | \$ 8,963.07 | \$ 9,423.94 | \$ 9,423.94 | \$ 12,984.01 | \$ 8,963.18 | \$ 10,329.00 | \$ 8,984.51 | \$ 8,984.38 | \$ 8,984.38 | \$ 13,476.54 | \$ 8,984.37 | \$ 124,785.84 |
| Fringe Benefits | | \$ 4,617.35 | | | | \$ 4,581.70 | | | \$ 4,570.12 | | | \$ 4,531.46 | \$ 18,300.63 |
| Management Services BCBS-PPO | \$ 11,548.63 | \$ 12,079.52 | \$ 12,171.38 | \$ 13,065.53 | \$ 19,314.77 | \$ 19,682.66 | \$ 19,342.42 | \$ 19,416.78 | \$ 20,022.01 | \$ 19,454.87 | \$ 19,341.67 | \$ 19,907.78 | \$ 205,346.02 |
| Management Services HP-PPO | \$ 34,759.53 | \$ 29,197.45 | \$ 28,294.87 | \$ 27,305.85 | \$ 28,381.37 | \$ 28,412.24 | \$ 28,367.79 | \$ 43,682.08 | \$ 22,147.07 | \$ 27,863.33 | \$ 28,033.37 | \$ 27,866.08 | \$ 362,537.03 |
| Claims exp - BCBS-PPO | \$ 177,004.89 | \$ 153,992.14 | \$ 248,681.21 | \$ 122,132.72 | \$ 181,988.64 | \$ 305,841.97 | \$ 159,379.54 | \$ 215,146.63 | \$ 220,033.31 | \$ 250,129.87 | \$ 283,087.45 | \$ 196,696.70 | \$ 2,514,519.07 |
| Claims exp - HP-PPO | \$ 354,871.81 | \$ 543,244.80 | \$ 558,383.61 | \$ 380,059.85 | \$ 427,986.17 | \$ 540,111.59 | \$ 340,096.11 | \$ 386,446.58 | \$ 447,287.00 | \$ 484,373.71 | \$ 333,244.46 | \$ 295,419.83 | \$ 5,091,525.52 |
| Management Services BCBS-HMO | \$ 13,976.38 | \$ 14,051.12 | \$ 13,976.38 | \$ 14,125.86 | \$ 16,517.54 | \$ 16,388.06 | \$ 16,388.06 | \$ 16,517.54 | \$ 16,891.24 | \$ 16,517.54 | \$ 16,667.02 | \$ 16,592.28 | \$ 188,110.59 |
| Management Services HP-HMO | \$ 5,555.69 | \$ 11,467.48 | \$ 14,430.35 | \$ 15,594.03 | \$ 15,543.74 | \$ 15,891.74 | \$ 15,369.74 | \$ 15,667.45 | \$ 6,169.17 | \$ 10,965.50 | \$ 15,855.03 | \$ 15,831.90 | \$ 158,765.82 |
| Claims exp - BCBS-HMO | \$ 113,260.54 | \$ 153,565.55 | \$ 121,245.46 | \$ 102,868.56 | \$ 100,998.56 | \$ 134,371.48 | \$ 117,120.73 | \$ 169,176.37 | \$ 161,223.73 | \$ 161,053.72 | \$ 161,690.42 | \$ 223,549.79 | \$ 1,710,224.91 |
| Claims exp - HP-HMO | \$ 110,201.82 | \$ 220,867.69 | \$ 116,756.46 | \$ 144,132.76 | \$ 110,486.52 | \$ 228,147.25 | \$ 143,055.97 | \$ 113,597.22 | \$ 147,304.15 | \$ 183,765.10 | \$ 152,343.35 | \$ 188,427.01 | \$ 1,860,086.30 |
| Amherst Meds | \$ 6,446.50 | \$ 14,914.00 | \$ 4,938.00 | \$ 4,938.00 | \$ 11,379.30 | \$ 4,371.20 | \$ 8,281.80 | \$ 7,568.80 | \$ 18,980.30 | \$ 18,980.30 | \$ 1,204.10 | \$ 10,820.60 | \$ 95,859.10 |
| Reinsurance | \$ 24,363.44 | \$ 24,388.20 | \$ 24,378.58 | \$ 26,630.52 | \$ 26,630.52 | \$ 53,261.04 | \$ 26,323.70 | \$ 26,560.34 | \$ 26,447.54 | \$ 26,514.06 | \$ 26,477.82 | \$ 26,233.32 | \$ 311,569.46 |
| Miscellaneous Expenses | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 1,263.33 | \$ 2,733.33 | \$ 1,833.33 | \$ 26,174.96 |
| Miscellaneous Programs | \$ 3,129.15 | | | | | | | | \$ 1,654.63 | | | \$ 844.18 | \$ 5,627.86 |
| Total Expenditures: | \$ 862,777.07 | \$ 1,166,086.05 | \$ 861,880.95 | \$ 926,884.95 | \$ 1,362,287.44 | \$ 894,093.19 | \$ 1,014,047.63 | \$ 1,054,154.56 | \$ 1,037,361.63 | \$ 1,037,361.63 | \$ 12,663.435.11 | | |
| Income (Loss) from Operations | \$ 560,319.99 | \$ (136,449.77) | \$ (107,440.70) | \$ 351,427.33 | \$ 282,885.10 | \$ (132,437.07) | \$ 311,329.34 | \$ 196,355.06 | \$ 204,076.98 | \$ 76,371.32 | \$ (1,050,798.08) | \$ 162,913.86 | \$ 718,473.36 |
| Fund Balance end of Month: | \$ 6,655,395.52 | \$ 6,518,945.75 | \$ 6,411,505.05 | \$ 6,762,932.38 | \$ 7,046,737.48 | \$ 6,913,300.41 | \$ 7,224,629.75 | \$ 7,420,984.81 | \$ 7,625,061.79 | \$ 7,701,433.11 | \$ 6,650,635.03 | \$ 6,813,548.89 | |

TOWN OF AMHERST, MASSACHUSETTS
Combined Statement of Revenues, Expenditures and
Changes in Fund Equity
Stabilization Fund and Property Casualty Insurance Claims
All Expendable Trust Funds
For the Year Ended June 30, 2013
(unaudited)

| | 8004 | 8406 | |
|--|------------------------|---------------------|------------------------|
| | Stabilization | Insurance | Total |
| | Fund | Claims | |
| Revenues: | | | |
| Property taxes | | | - |
| Excise | | | - |
| Interest, penalties and other taxes | | | - |
| Charges for services | | | - |
| Licenses and permits | | | - |
| Intergovernmental | | | - |
| Fines and forfeits | | | - |
| Interest earnings | 39,143.46 | 21.07 | 39,164.53 |
| Miscellaneous | | 62,063.78 | 62,063.78 |
| Contributions | | | - |
| Total Revenues | <u>39,143.46</u> | <u>62,084.85</u> | <u>101,228.31</u> |
| Expenditures: | | | |
| General Government | | 20,968.78 | 20,968.78 |
| Public Safety | | | - |
| Public Works | | | - |
| Planning, Conservation and Inspections | | | - |
| Community Services | | | - |
| Library Services | | | - |
| Education | | | - |
| Debt Service | | | - |
| Intergovernmental | | | - |
| Total Expenditures | <u>-</u> | <u>20,968.78</u> | <u>20,968.78</u> |
| Excess (deficiency) of revenues over expenditures | 39,143.46 | 41,116.07 | 80,259.53 |
| Other Financing Sources (Uses): | | | |
| Bond Proceeds | | | - |
| Operating transfers in | 1,002,440.00 | | 1,002,440.00 |
| Operating transfers (out) | | (20,071.00) | (20,071.00) |
| Total Other Financing Sources (Uses) | <u>1,002,440.00</u> | <u>(20,071.00)</u> | <u>982,369.00</u> |
| Excess (deficiency) of revenues and other sources over expenditures and other uses | 1,041,583.46 | 21,045.07 | 1,062,628.53 |
| Fund Equity, July 1, 2012 | <u>1,874,392.71</u> | <u>12,311.94</u> | <u>1,886,704.65</u> |
| Fund Equity, June 30, 2013 | <u>\$ 2,915,976.17</u> | <u>\$ 33,357.01</u> | <u>\$ 2,949,333.18</u> |

TOWN OF AMHERST, MASSACHUSETTS
Combined Statement of Revenues, Expenditures and
Changes in Fund Equity
All Non-Expendable Trust Funds
For the Year Ended June 30, 2013
(unaudited)

| | 8401 Trust Principal | 8402 Trust Income | Total |
|---|-----------------------------------|--------------------------------|----------------------|
| Revenues: | | | |
| Property taxes | | | - |
| Excise | | | - |
| Interest, penalties and other taxes | | | - |
| Charges for services | | | - |
| Licenses and permits | | | - |
| Intergovernmental | | | - |
| Fines and forfeits | | | - |
| Interest earnings | 3,017.32 | 7,611.34 | 10,628.66 |
| Miscellaneous | | | - |
| Contributions | | | - |
| Total Revenues | <u>3,017.32</u> | <u>7,611.34</u> | <u>10,628.66</u> |
| Expenditures: | | | |
| General Government | | | - |
| Public Safety | | | - |
| Public Works | | | - |
| Planning, Conservation and Inspections | | | - |
| Community Services | | 1,957.95 | 1,957.95 |
| Library Services | | | - |
| Education | | 3,000.00 | 3,000.00 |
| Debt Service | | | - |
| Intergovernmental | | | - |
| Total Expenditures | <u>-</u> | <u>4,957.95</u> | <u>4,957.95</u> |
| Excess (deficiency) of revenues over expenditures | 3,017.32 | 2,653.39 | 5,670.71 |
| Other Financing Sources (Uses): | | | |
| Bond Proceeds | | | - |
| Operating transfers in | | | - |
| Operating transfers (out) | | | - |
| Total Other Financing Sources (Uses) | <u>-</u> | <u>-</u> | <u>-</u> |
| Excess (deficiency) of revenues and other sources over expenditures and other uses | 3,017.32 | 2,653.39 | 5,670.71 |
| Fund Equity, July 1, 2012 | <u>325,155.54</u> | <u>116,590.19</u> | <u>441,745.73</u> |
| Fund Equity, June 30, 2013 | <u>\$ 328,172.86</u> | <u>\$ 119,243.58</u> | <u>\$ 447,416.44</u> |

| TOWN OF AMHERST, MASSACHUSETTS | | | | | | |
|---|---------------------------------|---------------------------------|--------------------------|-----------------------------------|------------------------------|-----------------------------|
| FY 2013 Approved Budget | | | | | | |
| General Fund | | | | | | |
| | FY 2013 ATM April-June 12 | FY 2013 RECAP Adjustments | FY 2013 STM Nov-12 | FY 2013 ATM April-June 2013 | FY 2013 Fin Com Jul-13 | Final Approved Budget |
| OPERATING BUDGETS | | | | | | |
| General Government: | | | | | | |
| Select Board/Town Manager | 258,799.00 | | | | | 258,799.00 |
| Finance Committee (Reserve Fund Included) | 100,800.00 | | | | (3,185.00) | 97,615.00 |
| Finance Department | 901,295.00 | 10,000.00 | | | | 911,295.00 |
| Elections and Registration | 52,025.00 | | | | | 52,025.00 |
| Town Clerk's Office | 187,039.00 | | | | | 187,039.00 |
| Legal Services | 110,000.00 | | | | | 110,000.00 |
| Human Resources | 164,972.00 | | | | | 164,972.00 |
| Employee Benefits including Retirement assessment | 6,534,327.00 | | 585,342.00 | 78,270.00 | | 7,197,939.00 |
| Information systems | 494,188.00 | | | 20,071.00 | | 514,259.00 |
| Facilities Maintenance | 480,448.00 | | | | | 480,448.00 |
| General Services | 372,849.00 | | | | | 372,849.00 |
| Total General Government | 9,656,742.00 | 10,000.00 | 585,342.00 | 98,341.00 | (3,185.00) | 10,347,240.00 |
| Public Safety: | | | | | | |
| Police | 4,048,062.00 | | | | | 4,048,062.00 |
| Police Facility | 189,611.00 | | | | | 189,611.00 |
| Fire/Emergency Medical Services | 3,985,862.00 | | | | | 3,985,862.00 |
| Communications Center | 599,751.00 | | | | | 599,751.00 |
| Animal Control | 54,365.00 | | | | | 54,365.00 |
| Total Public Safety | 8,877,651.00 | - | - | - | - | 8,877,651.00 |
| Public Works: | | | | | | |
| Public Works Administration | 302,846.00 | | | | | 302,846.00 |
| Construction and Maintenance | 557,255.00 | | | | | 557,255.00 |
| Snow and Ice Removal | 280,410.00 | | | | | 280,410.00 |
| Street and Traffic Lights | 139,650.00 | | | | | 139,650.00 |
| Equipment Maintenance | 252,556.00 | | | | | 252,556.00 |
| Tree and Grounds Maintenance | 463,967.00 | | | | | 463,967.00 |
| Total Public Works | 1,996,684.00 | - | - | - | - | 1,996,684.00 |
| Planning, Conservation and Inspections: | | | | | | |
| Inspection Services | 384,989.00 | | | | | 384,989.00 |
| Conservation Commission and Department | 262,420.00 | | | | | 262,420.00 |
| Planning Department | 280,151.00 | | | | | 280,151.00 |
| Total Planning, Conservation and Inspections | 927,560.00 | - | - | - | - | 927,560.00 |
| Community Services: | | | | | | |
| Public Health | 264,400.00 | | | | | 264,400.00 |
| Council On Aging | 184,789.00 | | | | | 184,789.00 |
| Veterans' Services and Benefits | 294,369.00 | | | 35,910.00 | 3,185.00 | 333,464.00 |
| Leisure Services and Supplemental Education | 522,331.00 | | | | | 522,331.00 |
| Municipal Pools | 189,358.00 | | | | | 189,358.00 |
| Cherry Hill Golf | 237,635.00 | | | | | 237,635.00 |
| Total Community Services | 1,692,882.00 | - | - | 35,910.00 | 3,185.00 | 1,731,977.00 |
| Library Services: | | | | | | |
| Jones Library | 1,690,789.00 | | | | | 1,690,789.00 |
| Total Library Services | 1,690,789.00 | - | - | - | - | 1,690,789.00 |
| Public Education: | | | | | | |
| Elementary Schools | 21,558,039.00 | | | | | 21,558,039.00 |
| Regional School District | 13,796,524.00 | | | | | 13,796,524.00 |
| Total Public Education | 35,354,563.00 | - | - | - | - | 35,354,563.00 |
| Debt Service: | | | | | | |
| Debt Principal | | | | | | - |
| General | 895,000.00 | | | | | 895,000.00 |
| Elementary Schools | 304,000.00 | | | | | 304,000.00 |
| Regional Schools | 233,240.00 | | | | | 233,240.00 |
| Debt Interest | | | | | | - |
| General | 184,551.00 | | | | | 184,551.00 |
| Elementary Schools | 62,843.00 | | | (18,000.00) | | 44,843.00 |
| Regional Schools | 129,823.00 | | | | | 129,823.00 |
| Temporary Debt/Borrowing Costs | 17,911.00 | | | (17,910.00) | | 1.00 |
| Total Debt Service | 1,827,368.00 | - | - | (35,910.00) | - | 1,791,458.00 |
| Transfers: | | | | | | |
| Art 16 Capital Program -Equipment | 925,804.00 | | | | | 925,804.00 |
| Art 17 Capital Program- Facilities | 368,396.00 | | | | | 368,396.00 |
| Art 4 STM Transfer to Stabilization Fund from Free Cash | | | 1,002,440.00 | | | 1,002,440.00 |
| | | | | | | - |
| | | | | | | - |
| Total Transfers | 1,294,200.00 | - | 1,002,440.00 | - | - | 2,296,640.00 |

| TOWN OF AMHERST, MASSACHUSETTS | | | | | | |
|------------------------------------|-------------------------|---------------------|------------------------|----------------------|--------------------|-------------------------|
| FY 2013 Approved Budget | | | | | | |
| General Fund | | | | | | |
| | FY 2013 ATM | FY 2013 RECAP | FY 2013 STM | FY 2013 ATM | FY 2013 Fin Com | Final Approved |
| | April-June 12 | Adjustments | Nov-12 | April-June 2013 | Jul-13 | Budget |
| OPERATING BUDGETS | | | | | | |
| Assessments: | | | | | | |
| State | | | | | | - |
| Motor Vehicle Parking Surcharge | 66,800.00 | | | | | 66,800.00 |
| Retired Teachers Health Insurance | | | | | | - |
| Air Pollution Control Districts | 8,193.00 | | | | | 8,193.00 |
| Other | | | | | | - |
| Regional Transit Authorities | 845,287.00 | | | | | 845,287.00 |
| School Choice Sending Tuition | 166,698.00 | | | | | 166,698.00 |
| Charter School Assessment | 867,020.00 | | | | | 867,020.00 |
| Special Education | 4,034.00 | | | | | 4,034.00 |
| Pioneer Valley Planning Commission | 5,673.00 | | | | | 5,673.00 |
| Hampshire County Regional Lock -up | 31,323.00 | | | | | 31,323.00 |
| Total Assessments | 1,995,028.00 | - | - | - | - | 1,995,028.00 |
| Deficits: | | | | | | |
| Revenue Deficit | | | | | | - |
| Grant Deficit | 131,493.00 | | | | | 131,493.00 |
| Overlay Deficit | | 4,381.00 | | 41,814.00 | | 46,195.00 |
| Total Deficits | 131,493.00 | 4,381.00 | - | 41,814.00 | - | 177,688.00 |
| GRAND TOTAL GENERAL FUND | \$ 65,444,960.00 | \$ 14,381.00 | \$ 1,587,782.00 | \$ 140,155.00 | \$ - | \$ 67,187,278.00 |

OFFICE OF THE TOWN CLERK

Fiscal Year 2013

The Town Clerk's office prepared for and conducted four elections in FY 13: the 2012 State Primary on September 6, 2012, the Presidential Election on November 6, 2012, the Annual Town Election on April 9, 2013, and the Special State Primary on April 30, 2013. Voter registration sessions were held twenty days prior to each election and the Town Clerk office was open from 8:00 a.m. to 8:00 p.m. to facilitate voter registration.

The November 19, 2012 Fall Town Meeting lasted for three sessions and deliberated on nineteen articles, including an article adopting a new bylaw banning the use of expanded polystyrene food containers by food establishments in the Town of Amherst.

Mr. James Pistrang moderated his first Annual Town Meeting which convened on May 6 and lasted for nine sessions. Town Meeting discussed 45 articles and adopted a new Residential Rental Property Bylaw.

2012 Vitals

(The Town Clerk is required to report to the Registry of Vital Records and Statistics on a calendar-year basis)

| | |
|-----------|-----|
| Births | 154 |
| Deaths | 214 |
| Marriages | 109 |

Respectfully submitted,

Sandra J. Burgess CMC, CMMC
Town Clerk

BOARD OF REGISTRARS

Fiscal Year 2013

Roger Webb's term on the Board of Registrars expired on June 30, 2013. Roger's organizational skills and sense of humor will be missed.

The Board met on the following dates:

| | |
|-------------------|---|
| September 6, 2012 | To count electronic (faxed and e-mailed) ballots from overseas voters |
| November 6, 2012 | To count electronic (faxed and e-mailed) ballots from overseas voters |
| February 20, 2013 | To draw names for placement on the Annual Town Election Ballot |
| April 30, 2013 | To count electronic (faxed and e-mailed) ballots from overseas voters |
| June 25, 2013 | To count electronic (faxed and e-mailed) ballots from overseas voters |

In accordance with Chapter 51, sections 2 and 28, registrations sessions were held 20 days prior to each election. The Town Clerk's office was open from 8:00 a.m. until 8:00 p.m. on August 17 and October 17, 2012; and March 13, March 20, and June 5, 2013 for this purpose.

The Town Clerk's office processed more than 7,000 voter registration affidavits between August 17 and October 17, 2012.

On December 11, 2012, 1,874 voters were purged from the Amherst voter rolls, in compliance with 980 Commonwealth of Massachusetts Regulations, section 58.00.

Voters selected for purging must meet specific criteria. They must have been put into inactive status after failing to respond to the annual street listing. They must have been sent a postage prepaid confirmation card by forwardable mail with instructions to return the card. They must have failed to respond to the confirmation card. They must have failed to vote or appear to vote in the next two biennial elections or participate in an election related activity such as signing a nomination paper or initiative petition.

Voters meeting this criteria must be removed from the voter's list in accordance with G.L. c. 51, §38.

**Voter Totals
As of June 30, 2013**

| Pct. | D | E | F | G | J | L | O | R | S | U | X | Z | Grand Total |
|---------------------|--------------|----------|----------|----------|------------|-----------|----------|--------------|----------|--------------|----------|----------|--------------------|
| 1 | 71 | | | | 14 | 9 | | 87 | 1 | 879 | | | 1,707 |
| 2 | 1042 | | | 3 | 12 | 4 | 1 | 109 | | 1,020 | | | 2,191 |
| 3 | 701 | | | | 10 | 5 | | 109 | 1 | 968 | | | 1,794 |
| 4 | 727 | | | 1 | 6 | 7 | | 150 | | 987 | | | 1,878 |
| 5 | 859 | | | | 9 | 2 | | 86 | | 787 | | 1 | 1,744 |
| 6 | 1,128 | | 2 | | 18 | 3 | | 115 | | 948 | 1 | | 2,215 |
| 7 | 1,093 | 1 | | | 9 | 8 | | 82 | 1 | 923 | | 1 | 2,118 |
| 8 | 1,454 | | | 1 | 16 | 2 | | 131 | 1 | 943 | | | 2,548 |
| 9 | 1,035 | | | | 13 | 5 | | 79 | 2 | 1,030 | | | 2,164 |
| 10 | 663 | | | | 5 | 4 | | 124 | 1 | 838 | | | 1,635 |
| Grand Totals | 9,419 | 1 | 2 | 5 | 112 | 49 | 1 | 1,072 | 7 | 9,323 | 1 | 2 | 19,994 |

D = Democratic Party E = Reform Party F = Rainbow Coalition G = Green Party USA
J = Green Rainbow L = Libertarian Party O = MA Independent Party R = Republican Party
S = Socialist U = Unenrolled X = Pirate Party Z = Working Families
AA = Pizza Party

In addition to the Political Parties and Political Designations identified above the following Political Designations also exist in Massachusetts at this time.

| | | | | |
|--------------------------------------|-----------------------------------|---------------------------------|---------------------------------------|--|
| <i>A = Conservative Party</i> | <i>B = Natural Law Party</i> | <i>C = New World Council</i> | <i>H = We The People</i> | <i>K = Constitution Party</i> |
| <i>M = Timesizing Not Downsizing</i> | <i>N = New Alliance Party</i> | <i>P = Prohibition Party</i> | <i>Q = American Independent Party</i> | <i>T = Interdependent 3rd Party</i> |
| <i>V = America First Party</i> | <i>W = Veterans Party America</i> | <i>Y = World Citizens Party</i> | <i>AA = Pizza Party</i> | |

7,837 voters were registered and 3,700 voters were deleted between July 1, 2012 and June 30, 2013.

Respectfully submitted,

Sandra J. Burgess, CMC, CMMC
Clerk to the Board of Registrars

**WARRANT
STATE PRIMARY
September 6, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Congregational Church Hall | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Immanuel Lutheran Church | Precinct 8 | Munson Memorial Library |
| Precinct 4 | Large Activity Room, Bangs Community Center | Precinct 9 | Wildwood School |
| Precinct 5 | Large Activity Room, Bangs Community Center | Precinct 10 | Glass Room, Bangs Community Center |

on THURSDAY, THE SIXTH DAY OF SEPTEMBER, 2012 from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the State Election for candidates of political parties for the following offices:

| | |
|---------------------------------|-------------------------------|
| SENATOR IN CONGRESS | FOR THIS COMMONWEALTH |
| REPRESENTATIVE IN CONGRESS | SECOND CONGRESSIONAL DISTRICT |
| COUNCILLOR | EIGHTH DISTRICT |
| SENATOR IN GENERAL COURT | HAMPSHIRE & FRANKLIN DISTRICT |
| REPRESENTATIVE IN GENERAL COURT | THIRD HAMPSHIRE DISTRICT |
| REGISTER OF DEEDS | HAMPSHIRE DISTRICT |
| CLERK OF COURTS | HAMPSHIRE COUNTY |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 16th day of July, 2012.

Aaron A. Hayden
Alisa V. Brewer
James J. Wald
Stephanie J. O'Keeffe

Select Board, Town of Amherst

August 1, 2012

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Precinct 1 North Amherst Post Office
Precinct 2 North Fire Station
Precinct 3 Immanuel Lutheran Church
Precinct 4 Amherst Post Office
Precinct 5 Town Hall

Precinct 6 Fort River School
Precinct 7 Crocker Farm School
Precinct 8 Munson Memorial Library
Precinct 9 Wildwood School
Precinct 10 Campus Center, UMass

Thomas J. Sarna
Constable, Town of Amherst

RESULTS
STATE PRIMARY
September 6, 2012

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

| | DEMOCRATIC PRIMARY | | | | | | | | | | |
|-----------------------------------|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|--------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
| SENATOR IN CONGRESS | | | | | | | | | | | |
| ELIZABETH A. WARREN | 122 | 197 | 73 | 65 | 174 | 295 | 254 | 333 | 197 | 91 | 1801 |
| ALL OTHERS | 0 | 1 | 1 | 0 | 1 | 0 | 3 | 2 | 2 | 0 | 10 |
| BLANK | 5 | 5 | 1 | 1 | 12 | 8 | 7 | 16 | 5 | 1 | 61 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |
| REPRESENTATIVE IN CONGRESS | | | | | | | | | | | |
| JAMES P. McGOVERN | 93 | 158 | 58 | 48 | 144 | 244 | 205 | 289 | 159 | 75 | 1473 |
| WILLIAM FEEGBEH | 8 | 7 | 3 | 3 | 6 | 18 | 15 | 14 | 11 | 1 | 86 |
| ALL OTHERS | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 3 |
| BLANK | 26 | 38 | 14 | 15 | 37 | 40 | 42 | 48 | 34 | 16 | 310 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |
| COUNCILLOR | | | | | | | | | | | |
| MICHAEL J. ALBANO | 48 | 64 | 30 | 14 | 51 | 119 | 69 | 100 | 64 | 33 | 592 |
| GERRY ROY | 12 | 14 | 2 | 3 | 18 | 28 | 26 | 30 | 23 | 2 | 158 |
| KEVIN J. SULLIVAN | 36 | 61 | 18 | 28 | 54 | 102 | 88 | 128 | 52 | 29 | 596 |
| ALL OTHERS | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 3 |
| BLANK | 31 | 64 | 25 | 20 | 64 | 54 | 80 | 93 | 64 | 28 | 523 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |
| SENATOR IN GENERAL COURT | | | | | | | | | | | |
| STANLEY C. ROSENBERG | 118 | 191 | 69 | 66 | 170 | 284 | 244 | 328 | 195 | 87 | 1752 |
| ALL OTHERS | 0 | 0 | 0 | 0 | 1 | 0 | 6 | 1 | 1 | 0 | 9 |
| BLANK | 9 | 12 | 6 | 0 | 16 | 19 | 14 | 22 | 8 | 5 | 111 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |

REPRESENTATIVE IN GENERAL COURT

| | | | | | | | | | | | |
|-------------|-----|-----|----|----|-----|-----|-----|-----|-----|----|------|
| ELLEN STORY | 117 | 191 | 69 | 65 | 170 | 282 | 246 | 329 | 191 | 85 | 1745 |
| ALL OTHERS | 0 | 1 | 0 | 0 | 0 | 3 | 4 | 0 | 2 | 0 | 10 |
| BLANK | 10 | 11 | 6 | 1 | 17 | 18 | 14 | 22 | 11 | 7 | 117 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |

CLERK OF COURTS

| | | | | | | | | | | | |
|--------------------------|-----|-----|----|----|-----|-----|-----|-----|-----|----|------|
| HARRY J. JEKANOWSKI, JR. | 86 | 140 | 47 | 42 | 121 | 215 | 175 | 249 | 134 | 57 | 1266 |
| ALL OTHERS | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 3 |
| BLANK | 41 | 63 | 28 | 23 | 66 | 88 | 88 | 101 | 70 | 35 | 603 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |

REGISTER OF DEEDS

| | | | | | | | | | | | |
|--------------------|-----|-----|----|----|-----|-----|-----|-----|-----|----|------|
| BONNIE MacCRACKEN | 73 | 114 | 54 | 41 | 115 | 196 | 163 | 218 | 123 | 50 | 1147 |
| MARY K. OLBERDING | 38 | 76 | 13 | 20 | 47 | 88 | 85 | 102 | 66 | 40 | 575 |
| TIMOTHY P. O'LEARY | 6 | 6 | 1 | 1 | 12 | 12 | 4 | 11 | 4 | 0 | 57 |
| ALL OTHERS | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| BLANK | 10 | 7 | 7 | 4 | 12 | 7 | 12 | 20 | 11 | 2 | 92 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |

REGISTER OF PROBATE

| | | | | | | | | | | | |
|------------------|-----|-----|----|----|-----|-----|-----|-----|-----|----|------|
| MICHAEL J. CAREY | 91 | 147 | 51 | 44 | 125 | 223 | 186 | 259 | 137 | 62 | 1325 |
| ALL OTHERS | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 3 |
| BLANK | 36 | 56 | 24 | 21 | 62 | 80 | 76 | 92 | 67 | 30 | 544 |
| TOTAL | 127 | 203 | 75 | 66 | 187 | 303 | 264 | 351 | 204 | 92 | 1872 |

REPUBLICAN PARTY

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|----------------------------|---|----|---|---|---|---|----|----|---|----|-------|
| SENATOR IN CONGRESS | | | | | | | | | | | |
| SCOTT P. BROWN | 5 | 11 | 7 | 3 | 5 | 5 | 15 | 12 | 9 | 1 | 73 |
| ALL OTHERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BLANK | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 2 | 0 | 0 | 5 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

REPRESENTATIVE IN CONGRESS

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 3 | 1 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | 8 |
| BLANK | 5 | 8 | 6 | 3 | 6 | 6 | 13 | 13 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

COUNCILLOR

| | | | | | | | | | | | |
|-----------------|---|---|---|---|---|---|----|---|---|---|----|
| MICHAEL F. CASE | 3 | 2 | 3 | 0 | 3 | 3 | 3 | 6 | 2 | 0 | 25 |
| MICHAEL FRANCO | 1 | 7 | 4 | 3 | 0 | 0 | 13 | 4 | 5 | 1 | 38 |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|------------|---|----|---|---|---|---|----|----|---|----|-------|
| ALL OTHERS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BLANK | 1 | 2 | 0 | 0 | 3 | 3 | 0 | 4 | 2 | 0 | 15 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

SENATOR IN GENERAL COURT

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 4 | 0 | 0 | 1 | 0 | 1 | 2 | 0 | 0 | 8 |
| BLANK | 5 | 7 | 7 | 3 | 5 | 6 | 15 | 12 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

REPRESENTATIVE IN GENERAL COURT

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 3 | 0 | 0 | 1 | 0 | 1 | 3 | 0 | 0 | 8 |
| BLANK | 5 | 8 | 7 | 3 | 5 | 6 | 15 | 11 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

CLERK OF COURTS

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 3 | 0 | 0 | 2 | 0 | 1 | 2 | 0 | 0 | 8 |
| BLANK | 5 | 8 | 7 | 3 | 4 | 6 | 15 | 12 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

REGISTER OF DEEDS

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 2 | 0 | 0 | 2 | 1 | 1 | 2 | 0 | 0 | 8 |
| BLANK | 5 | 9 | 7 | 3 | 4 | 5 | 15 | 12 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

REGISTER OF PROBATE

| | | | | | | | | | | | |
|-----------|---|----|---|---|---|---|----|----|---|---|----|
| WRITE-INS | 0 | 3 | 0 | 0 | 1 | 1 | 1 | 2 | 0 | 0 | 8 |
| BLANK | 5 | 8 | 7 | 3 | 5 | 5 | 15 | 12 | 9 | 1 | 70 |
| TOTAL | 5 | 11 | 7 | 3 | 6 | 6 | 16 | 14 | 9 | 1 | 78 |

GREEN-RAINBOW

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|-----------------------------------|---|---|---|---|---|---|---|---|---|----|-------|
| SENATOR IN CONGRESS | | | | | | | | | | | |
| WRITE-INS | 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 5 |
| BLANK | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| REPRESENTATIVE IN CONGRESS | | | | | | | | | | | |
| WRITE-INS | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| BLANK | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| COUNCILLOR | | | | | | | | | | | |
| WRITE-INS | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| BLANK | 2 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| SENATOR IN GENERAL COURT | | | | | | | | | | | |
| WRITE-INS | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| BLANK | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |

GREEN-RAINBOW

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|--------------|
| REPRESENTATIVE IN GENERAL COURT | | | | | | | | | | | |
| WRITE-INS | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| BLANK | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| CLERK OF COURTS | | | | | | | | | | | |
| WRITE-INS | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| BLANK | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| REGISTER OF DEEDS | | | | | | | | | | | |
| WRITE-INS | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 3 |
| BLANK | 1 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |
| REGISTER OF PROBATE | | | | | | | | | | | |
| WRITE-INS | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| BLANK | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 |
| TOTAL | 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 7 |

The polls were closed at 8:00 p.m. as directed in the Warrant. 1,957 ballots were cast, representing 12.38% of the 15,809 voters eligible to vote.

| Pct . | Registered Democrats | Democratic Ballots Cast | Registered Republicans | Republican Ballots Cast | Registered Green-Rainbow | Green-Rainbow Ballots Cast | Unenrolled Voters | P.M. Return | % Voting |
|--------------|-----------------------------|--------------------------------|-------------------------------|--------------------------------|---------------------------------|-----------------------------------|--------------------------|--------------------|-----------------|
| 1 | 648 | 127 | 63 | 5 | 14 | 2 | 733 | 9:50 | 9.19 |
| 2 | 874 | 203 | 79 | 11 | 9 | 2 | 701 | 9:35 | 12.99 |
| 3 | 450 | 75 | 64 | 7 | 9 | 1 | 514 | 10:00 | 8.00 |
| 4 | 424 | 66 | 75 | 3 | 3 | 0 | 417 | 9:15 | 7.51 |
| 5 | 703 | 187 | 73 | 6 | 7 | 1 | 604 | 9:15 | 13.99 |
| 6 | 1110 | 303 | 128 | 6 | 15 | 1 | 941 | 9:15 | 14.13 |
| 7 | 1097 | 264 | 78 | 16 | 9 | 0 | 913 | 9:40 | 13.35 |
| 8 | 1287 | 351 | 144 | 14 | 7 | 0 | 823 | 10:07 | 16.14 |
| 9 | 856 | 205 | 67 | 9 | 15 | 0 | 746 | 9:00 | 12.71 |
| 10 | 532 | 91 | 53 | 1 | 6 | 0 | 518 | 9:57 | 8.3 |
| | 7981 | 1872 | 824 | 78 | 94 | 7 | 6910 | | 12.38 |

Attest:

Sandra J. Burgess
Town Clerk

**WARRANT
STATE ELECTION
November 6, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Congregational Church Hall | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Immanuel Lutheran Church | Precinct 8 | Munson Memorial Library |
| Precinct 4 | Large Activity Room, Bangs Community Center | Precinct 9 | Wildwood School |
| Precinct 5 | Large Activity Room, Bangs Community Center | Precinct 10 | Glass Room, Bangs Community Center |

on TUESDAY, THE SIXTH DAY OF NOVEMBER, 2012, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT STATEWIDE
SENATOR IN CONGRESS FOR THIS
COMMONWEALTH
REPRESENTATIVE IN CONGRESS SECOND
CONGRESSIONAL DISTRICT
COUNCILLOR EIGHTH DISTRICT
SENATOR IN GENERAL COURT HAMPSHIRE, FRANKLIN
and WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT THIRD HAMPSHIRE
DISTRICT
CLERK OF COURTS HAMPSHIRE COUNTY
REGISTER OF DEEDS HAMPSHIRE DISTRICT
REGISTER OF PROBATE HAMPSHIRE COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year

2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer's dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A **YES VOTE** would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A **NO VOTE** would make no change in existing laws.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active

euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

*A **YES VOTE*** would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

*A **NO VOTE*** would make no change in existing laws.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

SUMMARY

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

*A **YES VOTE*** would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

*A **NO VOTE*** would make no change in existing laws.

QUESTION 4
THIS QUESTION IS NOT BINDING

Shall the state senator from this district be instructed to vote in favor of a resolution calling upon Congress to propose an amendment to the U.S. constitution affirming that (1) corporations are not entitled to the constitutional rights of human beings, and (2) both Congress and the states may place limits on political contributions and political spending?

QUESTION 5
THIS QUESTION IS NOT BINDING

Shall the state representative from this district be instructed to vote in favor of a resolution calling upon Congress and the President to: (1) prevent cuts to Social Security, Medicare, Medicaid, and Veterans benefits, or to housing, food and unemployment assistance; (2) create and protect jobs by investing in manufacturing, schools, housing, renewable energy, transportation and other public services; (3) provide new revenues for these purposes and to reduce the longterm federal deficit by closing corporate tax loopholes, ending offshore tax havens, and raising taxes on incomes over \$250,000; and (4) redirect military spending to these domestic needs by reducing the military budget, ending the war in Afghanistan and bringing U.S. troops home safely now?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 15th day of October, 2012.

..... Stephanie J. O’Keeffe
..... Diana B. Stein
..... Alicia V. Brewer
..... Aaron A. Hayden
..... James J. Wald
..... Select Board

October 17, 2012

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

| | |
|--------------------------------------|------------------------------------|
| Precinct 1 North Amherst Post Office | Precinct 6 Fort River School |
| Precinct 2 North Fire Station | Precinct 7 Crocker Farm School |
| Precinct 3 Immanuel Lutheran Church | Precinct 8 Munson Memorial Library |
| Precinct 4 Amherst Post Office | Precinct 9 Wildwood School |
| Precinct 5 Town Hall | Precinct 10 Campus Center, UMass |

Thomas J. Sarna
Constable, Town of Amherst

RESULTS
STATE/PRESIDENTIAL ELECTION
November 6, 2012

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| PRESIDENT AND VICE PRESIDENT | | | | | | | | | | | |
| Johnson and Gray | 35 | 28 | 37 | 23 | 16 | 16 | 19 | 16 | 48 | 32 | 270 |
| Obama and Biden | 958 | 1512 | 1054 | 1043 | 1240 | 1475 | 1376 | 1797 | 1409 | 934 | 12798 |
| Romney and Ryan | 149 | 212 | 177 | 275 | 131 | 211 | 159 | 231 | 167 | 199 | 1911 |
| Stein and Honkala | 48 | 55 | 35 | 17 | 22 | 52 | 42 | 72 | 68 | 33 | 444 |
| Ron Paul* | 0 | 2 | 3 | 4 | 0 | 2 | 0 | 3 | 1 | 1 | 16 |
| All Others | 7 | 5 | 3 | 2 | 6 | 5 | 2 | 3 | 6 | 6 | 45 |
| Blanks | 2 | 3 | 1 | 3 | 4 | 4 | 2 | 7 | 7 | 3 | 36 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

SENATOR IN CONGRESS

| | | | | | | | | | | | |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Scott P. Brown | 260 | 339 | 315 | 417 | 204 | 292 | 231 | 300 | 311 | 333 | 3002 |
| Elizabeth A. | 925 | 1464 | 969 | 922 | 1194 | 1462 | 1355 | 1811 | 1371 | 857 | 12330 |
| All Others | 3 | 1 | 7 | 4 | 1 | 1 | 1 | 4 | 7 | 2 | 31 |
| Blanks | 11 | 13 | 19 | 24 | 20 | 10 | 13 | 14 | 17 | 16 | 157 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

REPRESENTATIVE IN CONGRESS

| | | | | | | | | | | | |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| James P. | | | | | | | | | | | |
| McGovern | 1003 | 527 | 1142 | 1142 | 1184 | 1485 | 1339 | 1793 | 1455 | 1017 | 13087 |
| All Others | 17 | 16 | 16 | 22 | 15 | 11 | 10 | 12 | 19 | 22 | 160 |
| Blanks | 179 | 274 | 152 | 203 | 220 | 269 | 251 | 324 | 232 | 169 | 2273 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

COUNCILLOR

| | | | | | | | | | | | |
|-------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Michael J. Albano | 859 | 1292 | 934 | 865 | 1045 | 1308 | 1192 | 1601 | 1235 | 803 | 11134 |
| Michael Franco | 158 | 223 | 197 | 272 | 143 | 204 | 193 | 226 | 195 | 205 | 2016 |
| All Others | 8 | 6 | 10 | 18 | 5 | 6 | 6 | 9 | 24 | 17 | 109 |
| Blanks | 174 | 296 | 169 | 212 | 226 | 247 | 209 | 293 | 252 | 183 | 2261 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|---------------------------------|------|------|------|------|------|------|------|------|------|------|-------|
| SENATOR IN GENERAL COURT | | | | | | | | | | | |
| Stanley C. Rosenberg | 1006 | 1569 | 1130 | 1122 | 1206 | 1543 | 1387 | 1859 | 1470 | 1004 | 13296 |
| All Others | 15 | 11 | 16 | 25 | 10 | 10 | 13 | 12 | 17 | 19 | 148 |
| Blanks | 178 | 237 | 164 | 220 | 203 | 212 | 200 | 258 | 219 | 185 | 2076 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

REPRESENTATIVE IN GENERAL COURT

| | | | | | | | | | | | |
|-------------|------|------|------|------|------|------|------|------|------|------|-------|
| Ellen Story | 1010 | 1555 | 1126 | 1127 | 1197 | 1534 | 1369 | 1828 | 1460 | 1009 | 13215 |
| All Others | 11 | 13 | 14 | 20 | 8 | 14 | 8 | 22 | 22 | 20 | 152 |
| Blanks | 178 | 249 | 170 | 220 | 214 | 217 | 223 | 279 | 224 | 179 | 2153 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

**CLERK OF
COURTS**

| | | | | | | | | | | | |
|---------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Harry J. Jekanowski | 937 | 1416 | 1079 | 1079 | 1108 | 1392 | 1239 | 1666 | 1360 | 941 | 12217 |
| All Others | 13 | 9 | 11 | 16 | 8 | 8 | 8 | 8 | 17 | 17 | 115 |
| Blanks | 249 | 392 | 220 | 272 | 303 | 365 | 353 | 455 | 329 | 250 | 3188 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

REGISTER OF DEEDS

| | | | | | | | | | | | |
|---------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Mary K. Olberding | 700 | 1117 | 737 | 788 | 896 | 1121 | 1049 | 1378 | 1047 | 680 | 9513 |
| George R. Zimmerman | 267 | 367 | 362 | 334 | 257 | 357 | 284 | 383 | 374 | 291 | 3276 |
| All Others | 8 | 10 | 11 | 11 | 5 | 3 | 9 | 13 | 18 | 13 | 101 |
| Blanks | 224 | 323 | 200 | 234 | 261 | 284 | 258 | 355 | 267 | 224 | 2630 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

REGISTER OF PROBATE

| | | | | | | | | | | | |
|------------------|------|------|------|------|------|------|------|------|------|------|-------|
| Michael J. Carey | 928 | 1401 | 1056 | 1073 | 1091 | 1369 | 1227 | 1644 | 1344 | 930 | 12063 |
| All Others | 11 | 10 | 13 | 19 | 6 | 7 | 8 | 10 | 17 | 17 | 118 |
| Blanks | 260 | 406 | 241 | 275 | 322 | 389 | 265 | 475 | 345 | 261 | 3339 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| QUESTION 1 | | | | | | | | | | | |
| YES | 965 | 1430 | 1109 | 1106 | 1079 | 1350 | 1268 | 1694 | 1432 | 977 | 12410 |
| NO | 92 | 167 | 97 | 141 | 111 | 172 | 144 | 168 | 122 | 122 | 1336 |
| BLANKS | 142 | 220 | 104 | 120 | 229 | 243 | 188 | 267 | 152 | 109 | 1774 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | | | | | | | | | | | |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| QUESTION 2 | | | | | | | | | | | |
| YES | 834 | 1300 | 904 | 904 | 971 | 1178 | 1044 | 1616 | 1267 | 805 | 10823 |
| NO | 322 | 441 | 381 | 430 | 355 | 487 | 482 | 443 | 380 | 362 | 4083 |
| BLANKS | 43 | 76 | 25 | 33 | 93 | 100 | 74 | 70 | 59 | 41 | 614 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | | | | | | | | | | | |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| QUESTION 3 | | | | | | | | | | | |
| YES | 1016 | 1423 | 1034 | 1135 | 1081 | 1332 | 1223 | 1689 | 1436 | 1022 | 12391 |
| NO | 144 | 318 | 256 | 206 | 246 | 323 | 311 | 359 | 220 | 157 | 2540 |
| BLANKS | 39 | 76 | 20 | 26 | 92 | 110 | 66 | 81 | 50 | 29 | 589 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | | | | | | | | | | | |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| QUESTION 4 | | | | | | | | | | | |
| YES | 943 | 1361 | 1037 | 952 | 1063 | 1324 | 1231 | 1715 | 1356 | 888 | 11870 |
| NO | 110 | 205 | 131 | 227 | 154 | 182 | 176 | 176 | 153 | 175 | 1689 |
| BLANKS | 146 | 251 | 142 | 188 | 202 | 259 | 193 | 238 | 197 | 145 | 1961 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

| | | | | | | | | | | | |
|-------------------|------|------|------|------|------|------|------|------|------|------|-------|
| QUESTION 5 | | | | | | | | | | | |
| YES | 929 | 1347 | 1065 | 989 | 1054 | 1296 | 1200 | 1638 | 1342 | 927 | 11787 |
| NO | 122 | 214 | 112 | 202 | 163 | 199 | 208 | 238 | 163 | 141 | 1762 |
| BLANKS | 148 | 256 | 133 | 176 | 202 | 270 | 192 | 253 | 201 | 140 | 1971 |
| TOTAL | 1199 | 1817 | 1310 | 1367 | 1419 | 1765 | 1600 | 2129 | 1706 | 1208 | 15520 |

* Write-In

The polls were closed at 8:00 p.m. as directed in the Warrant. 15,520 ballots were cast, representing 69% of the 22,441 voters registered. The public announcement was made at 11:54 p.m. on November 6, 2012.

| PCT | REPORTING TIME | TOTAL REGISTERED VOTERS | MACHINE VOTES | HAND COUNTED VOTES | TOTAL VOTES CAST | % VOTING |
|-------|----------------|-------------------------|---------------|--------------------|------------------|----------|
| 1 | 10:57 | 1937 | 1170 | 29 | 1199 | 61.90% |
| 2 | 11:25 | 2424 | 1738 | 79 | 1817 | 74.96% |
| 3 | 11:21 | 2050 | 1301 | 9 | 1310 | 63.90% |
| 4 | 11:18 | 2151 | 1346 | 21 | 1367 | 63.55% |
| 5 | 10:35 | 1919 | 1394 | 25 | 1419 | 73.94% |
| 6 | 10:04 | 2434 | 1743 | 22 | 1765 | 72.51% |
| 7 | 11:13 | 2338 | 1583 | 17 | 1600 | 68.43% |
| 8 | 11:10 | 2728 | 1971 | 158 | 2129 | 78.04% |
| 9 | 11:50 | 2486 | 1540 | 166 | 1706 | 68.62% |
| 10 | 10:55 | 1974 | 1187 | 21 | 1208 | 61.20% |
| TOTAL | | 22,441 | 14,973 | 547 | 15,520 | 69.16% |

Attest:

Sandra J. Burgess
Town Clerk

**WARRANT
Special Town Meeting
November 19, 2012**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on **Monday, the nineteenth day of November, two thousand and twelve**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Other Post Employment Benefits Trust Fund (Finance Committee)

To see if the Town will, in accordance with Section 20 of Chapter 32B of the Massachusetts General Laws, raise and appropriate \$585,342 for the Other Post Employment Benefits (OPEB) Trust Fund.

ARTICLE 4. Transfer to Stabilization (Finance Committee)

To see if the Town will raise and appropriate and/or transfer a sum of money from Free Cash in the Undesignated Fund Balance to the Stabilization Fund.

ARTICLE 5. Capital Program - Debt Authorization (Finance Committee)

To see if the Town will, in accordance with Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, appropriate \$1,000,000 to pay costs of repairing various roadways throughout the Town and for the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by borrowing.

ARTICLE 6. Multi-Year Solar Agreements (Select Board)

To see if the Town will vote to authorize the Town Manager to enter into one or more contracts of up to 30 years to act as a host customer for one or more solar projects and further to authorize the Town Manager to enter into one or more power purchase agreements to purchase all or a portion of the electricity production of solar arrays and to enter into agreements with the local utility to participate in the Net Metering program pursuant to the Acts of 2008, c. 169, §78, the so-called Green Communities Act, as may be amended.

ARTICLE 7. Olympia Drive Street Acceptance (Select Board)

To see if the Town will vote to accept as a public way the roadway known as Olympia Drive, as heretofore laid out by the Select Board and shown as "Olympia Drive" on a plan entitled "Roadway Acceptance Plan Olympia Drive and Authority Way, Amherst, MA," dated August 23, 2012, prepared by Doucet & Associates, Inc., and on file with the Town Clerk, and to authorize the Select Board to acquire, on behalf of the Town, by gift, purchase, and/or eminent domain, a permanent easement to use Olympia Drive for all purposes for which public ways are used in the Town of Amherst and permanent drainage, water, sewer, access and/or other easements related thereto, including, without limitation, a water and sewer easement in Authority Way, all as shown on said plan.

ARTICLE 8. Community Preservation Act - Open Space Property and Historical Preservation (Community Preservation Act Committee)

A. To see if the Town will vote to: (1) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, all or a portion of the parcel of land on Bay Road containing 20 acres, more or less, identified on Assessors Map 26D as Parcel 40, and described in a deed recorded with the Hampshire Registry of Deeds in Book 8548, Page 305, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) appropriate the sum of \$505,000 for the acquisition of said parcel and costs related thereto, of which \$151,500 shall be transferred from the Community Preservation Act Fund Budgeted Reserve and the remaining \$353,500 shall be borrowed in accordance with G.L. c. 44B, §11, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose

pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (3) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the LAND Program (G.L. c. 132A, §11) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (4) authorize the Select Board and/or the Conservation Commission to convey a conservation restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

B. To see if the Town will vote to: (1) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, the fee to or a conservation restriction on all or a portion of the parcel of land located at Potwine Lane, containing 16 acres, more or less, and being a part of the premises described in a deed recorded with the Hampshire Registry of Deeds in Book 1272, Page 375, which land or restriction shall be under the care, custody, management and control of or held by the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) appropriate the sum of \$163,000 for the acquisition of said parcel and costs related thereto, of which \$48,500 shall be transferred from the Community Preservation Act Fund Budgeted Reserve, \$33,000 shall be transferred from available Community Preservation Act Fund Balance, and the remaining \$81,500 shall be borrowed in accordance with G.L. c. 44B, §11, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (3) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the Conservation Partnership Grant Program (Chapter 312 of the Acts of 2008) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (4) authorize the Select Board and/or the Conservation Commission to convey, if applicable, a conservation restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

C. To see if the Town will vote to: (1) transfer the care, custody, and control of a portion of the North Common, bordered by Boltwood Avenue, Spring Street, South Pleasant Street, and the Main Street parking lot and shown as “North Common” on a plan of file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, §14 and historical preservation purposes under G.L. c. 40, §8D, as the same may be amended, and other Massachusetts statutes related to recreation and historical preservation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission and the Historical Commission; (2) appropriate the sum of \$528,907 for the cost of preserving and/or rehabilitating the North Common and any costs related thereto, of which \$15,000 shall be transferred from the Community Preservation Act Fund Balance and the remaining \$513,907 shall be borrowed in accordance with G.L. c. 44B, §11; (3) authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling

authority, and, further, (4) authorize the Town Manager, the Historical Commission, and/or the LSSE Commission, as they may deem appropriate, to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the PARC Grant Program (301 CMR 5.00) and/or others in any way connected with the scope of this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

ARTICLE 9. General Bylaw – Ban of EPS Foam in Food Establishments and Town Facilities (Recycling and Refuse Management Committee)

To see if the Town will vote to adopt the following bylaw regarding the use of expanded polystyrene disposable food and beverage containers by food establishments in the Town of Amherst.

SECTION 1 PURPOSE

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

SECTION 2 EFFECTIVE DATE

This bylaw shall take effect on July 1, 2013.

SECTION 3 FINDINGS

Expanded polystyrene food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost.

Expanded polystyrene food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries.

Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages.

Many communities in the United States have banned expanded polystyrene food containers, including Seattle WA, Freeport Maine, Great Barrington MA and Nantucket MA.

Approximately 60% of Amherst food establishments have already stopped using expanded polystyrene food containers.

University of Massachusetts/Amherst, Amherst College, and Hampshire College food services have eliminated single-use expanded polystyrene food containers from their dining halls.

Appropriate alternative products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible.

Thus, elimination of expanded polystyrene food containers is in the best interest of the health and welfare of Town inhabitants.

SECTION 4 DEFINITIONS

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this bylaw.

“Expanded Polystyrene” (EPS) means polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam.

“Polystyrene” means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes clear or solid polystyrene which is known as “oriented polystyrene”.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Town Facility” means any building, structure, land or park owned or operated by the Town of Amherst, its agents and departments.

“Town Facility Users” means all persons, societies, associations, organizations or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town’s expense.

SECTION 5 PROHIBITION

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

SECTION 6 DEFERMENTS

- A. Upon written application, the Board of Health, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an “undue hardship” is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.
- B. A Food Establishment granted a deferment by the Town must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.
- C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.
- D. A deferment application shall include all information necessary for the Town to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.
- E. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this Bylaw.
- F. Deferment decisions are effective immediately and final.

SECTION 7 ENFORCEMENT

- A. The Health Department or its designee shall inquire on an annual basis regarding any food establishment’s compliance with this bylaw as a condition for renewal of the establishment’s food service permit.
- B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.
- C. The Health Department or its designee shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Health Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor’s premises to verify compliance in accordance with applicable law.

- D. The Health Department may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Health Department shall not preclude enforcement through any other lawful means.

E. Penalties and Fines for Violations

Violations of this ordinance may be enforced as follows:

1. This bylaw shall be enforced by the Health Department or its designee, including the Department of Public Works. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to the following penalties:

For the first violation, the Health Department or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the food establishment which will specify the violation and the appropriate penalties in the event of future violations.

Thereafter, the following penalties shall apply:

(a). A fine of one hundred dollars (\$100.00) for the first violation following the issuance of a warning notice.

(b). A fine of two hundred and fifty dollars (\$250.00) for the second and any other violation that occurs following the issuance of a warning notice.

2. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.

ARTICLE 10. Zoning Bylaw - Public Water Supply Protection (Planning Board)

To see if the Town will amend Section 3.1, Restricted Uses – All Districts, and Section 3.24, Watershed Protection (WP) District, by adding the language in ***bold italics***, as follows:

A. Amend Section 3.1 by adding a new Section 3.14, as follows:

3.14 *Development Near Public Water Supply Sources*

Notwithstanding any other provision of this Zoning Bylaw, in all zoning districts, any use of land located within Zones I, II, and III for a public water supply well, wellfield, or spring, or within Zones A, B, and C of a surface public water supply source shall be subject to the provisions of 310 CMR 22, including 310 CMR 22.20A-20G and 22.21, as amended, and all such Amherst Board of Health regulations as may apply.

B. Amend Section 3.24, Watershed Protection(WP) District, by adding a new Section 3.2439, as follows:

The following are restricted or prohibited, as the case may be, in the WP District, except as part of normal agricultural operations: . . .

3.2439 *Any uses of land or related activities specifically restricted or prohibited under 310 CMR 22, including 310 CMR 22. 20A-20G and 22.21, as amended, and all such Amherst Board of Health regulations as may apply.*

ARTICLE 11. Zoning Bylaw - Lodging or Boarding House Definition (Planning Board)

To see if the Town will amend Article 12, Definitions, of the Zoning Bylaw, by adding the language in ***bold italics***, and enumerating and renumbering the remaining sections in order, as follows:

12. ***12. Lodging or boarding house: A residential use housed in a single dwelling or in part of a dwelling where no fewer than six (6) but not more than ten (10) unrelated persons are let or sublet lodging in private rooms or quarters not constituting dwelling units for definite periods of time, and where there are no overnight stays by transient guests. The building shall be occupied by the owner of the property or the manager of the use. Meals may or may not be provided, but only one common kitchen facility shall exist and no meals shall be provided by the establishment to members of the general public not lodged in the establishment. Lodging or boarding houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the Commonwealth. Lodging or boarding houses shall abide by all applicable state and local laws and regulations governing lodging houses, boarding houses, or rooming houses.***

ARTICLES 12-15. Preamble for Zoning Bylaw Articles 12-15 (Planning Board)

WHEREAS, it has been amply demonstrated over a period of decades that under-regulated and poorly managed rental properties have differentiated themselves and created in Amherst conditions which are frequently unsafe, unsanitary, blighted, disruptive, and destructive of the quality of life for homeowners, property owners, tenants, and residential neighborhoods, and;

WHEREAS, compelling evidence indicates that the conversion of previously homeowner occupied residences into rental units has dramatically increased in residential neighborhoods throughout the Town of Amherst within the last decade, bringing with it conditions that are destructive of those neighborhoods, and;

WHEREAS, it is a compelling public interest of the Town of Amherst to develop reasonable and effective local regulations, including but not limited to zoning, in order to improve the effectiveness of regulation of such residential rental uses;

WHEREAS, the following amendments to the Amherst Zoning Bylaw, which create and separately regulate categories of single, two family, and converted dwellings that are rented to or occupied groups of unrelated persons, is necessary to the general safety, health and welfare of Amherst residents, including tenants, as well as:

- Ensuring a fair, reasonable, and equitable control over the development of housing in Amherst
- Preserving and expanding the stock of safe and affordable rental housing in Amherst
- Fostering an equitable distribution of diverse of housing throughout the community

- Preserving and protecting the character of existing residential neighborhoods
- Preserving and enhancing the value of owner occupied and rented residential property, and
- Maintaining and improving the quality of life in the Town of Amherst.

NOW, THEREFORE, in Articles 12-15 below, the following amendments to the Zoning Bylaw are proposed:

ARTICLE 12. Zoning Bylaw – Single Family Dwellings (Planning Board)

To see if the Town will amend Section 3.320 and Article 12 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and re-enumerating sections, as follows:

Amend Section 3.320 as follows:

3.320 Single family detached dwellings

3.320.0 Class I single family dwelling

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP
FPC

Y Y Y Y N N N N N N N N
N

Standards & Conditions

A Class I single family dwelling shall be a single dwelling unit which serves as the principal residence for: 1) a household including at least one (1) owner living on the premises as their principal residence, or 2) a household renting the dwelling and consisting of an individual, or a group of related persons as defined under Section 12.141. A Class I single family detached dwelling shall be eligible to be occupied by accessory lodgers, boarders, roomers, or bed and breakfast lodgers under the provisions of Article 5.

3.320.1 Class II single family dwelling

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP
FPC

SP SP SP SP N N N N N N N N
N

Standards & Conditions

A Class II single family dwelling shall be a single dwelling unit where no owner occupies the dwelling unit as their principal residence and the premises is rented to ~~and~~ or occupied exclusively by a household of unrelated persons residing together, as defined in Article 12.

No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.

A Class II single family dwelling shall not be eligible to be occupied by accessory lodgers, boarders, roomers, or bed and breakfast lodgers under Article 5.

The Special Permit Granting Authority shall require the ongoing services of a qualified professional property management company, the presence of an on-site resident manager, or similar provision for proper management of the rental use as a condition of approval.

- 1. Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident.*
- 2. A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants.*
- 3. In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with Special Permit conditions at such intervals as it deems reasonable.*

B. Amend the following subsection of Article 12, as follows, renumbering the remaining sections in order:

- 12. Dwelling Unit, *Single Detached*:** A single family dwelling ***residential building***, containing one ***(1) dwelling*** unit, which provides complete independent living facilities ***for a household and is detached from and unconnected to other dwelling units.***

ARTICLE 13. Zoning Bylaw – Two Family Dwellings (Planning Board)

To see if the Town will amend Section 3.321 and Article 12, Definitions, of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and re-enumerating sections, as follows:

A. Amend Section 3.321, as follows:

- 3.321 Two family detached dwelling *(duplex)***

[For Sections 3.3210 and 3.3211 below, inclusive]

Except as may otherwise be authorized under this section, a two family detached dwelling (duplex) shall have an external appearance and footprint compatible in terms of design with those of single family detached dwellings in the surrounding neighborhood. In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling (***duplex***) is created.

Where the two dwelling units are arranged side by side, said units shall either: 1) share a significant portion of at least one common wall or floor abutting habitable space, or, 2) the Special Permit Granting Authority or Permit Granting Board, as applicable, may allow a duplex where the two units do not share a common wall abutting habitable space but are instead connected structurally and continuously by a shared foundation, walls, and roof. The Special Permit Granting Authority or Permit Granting Board may make such an allowance only upon a determination that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood.

3.3210 Owner occupied duplex

| | | | | | | | | | | | | | |
|------|-----|------|-----|-----|-----|-----|------|-----|-----|----|----|-----|--|
| R-O | | | | | | | | | | | | | |
| R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | B-N | COM | OP | LI | PRP | |
| FPC | | | | | | | | | | | | | |
| SP | SP | SPR | SPR | N | N | N | N | SPR | N | N | N | N | |
| N | | | | | | | | | | | | | |
| (N) | (N) | | | | | | | | | | | | |

Standards & Conditions

For an owner occupied duplex, one (1) or both of the dwelling units serve as the principal residence of one or more owner(s) of the property.

3.3211 Non-owner occupied duplex

| | | | | | | | | | | | | | |
|-----------|-----------|-----------|-----------|-----|-----|-----|------|-----------|-----|----|----|-----|---|
| R-O | | | | | | | | | | | | | |
| R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | B-N | COM | OP | LI | PRP | |
| FPC | | | | | | | | | | | | | |
| SP | SP | SP | SP | N | N | N | N | SP | N | N | N | N | N |
| (N) | (N) | | | | | | | | | | | | |

Standards & Conditions

For a non-owner occupied duplex, one (1) or both dwelling units are rented and neither unit serves as the principal residence of one or more owner(s) of the property. No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.

The Special Permit Granting Authority shall require the ongoing services of a qualified professional property management company, the presence of an on-site resident manager, or similar provision for proper management of the rental use as a condition of approval.

Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident.

A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants.

In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with Special Permit conditions at such intervals as it deems reasonable.

Amend the following subsection of Article 12, as follows, renumbering the remaining sections in order:

- 12.____ Dwelling Unit, ***Two Family Detached*** (Duplex): A ***single residential*** building containing two ***(2)*** dwelling units, arranged ***vertically*** one above the other, or ***horizontally*** side by side, each with a separate entrance.

ARTICLE 14. Zoning Bylaw – Converted Dwellings (Planning Board)

To see if the Town will amend Section 3.3241 and Article 12, by reorganizing sections, deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Amend Section 3.3241, as follows:

3.3241 Converted dwelling
(see ~~Section 12.07~~
Article 12, Definitions)

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP FPC

SP SP SP SP N SPR SP SP SP N N N N
(N) (N)

Standards & Conditions

1. An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.
2. *A converted dwelling use may involve the conversion of a one or more structures on a given property but shall not result in exceed the a total number of dwelling units on the lot exceeding what would otherwise be allowed on the lot under the provisions of Table 3, Dimensional Regulations, for the zoning district(s) in question. Further, the total number of dwelling units on a given property shall not exceed 4 in the R-G, R-VC, R-N, R-O, and R-LD districts and shall not exceed 6 in the R-VC, R-G, B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.*
3. In the B-L, B-VC and B-N districts, the ~~Zoning Board of Appeals~~ *Special Permit Granting Authority* shall issue a Special Permit in accordance with the provisions of this section only after finding *that the converted dwelling use would be mutually compatible with existing uses and structures, and with uses and structures permitted on adjacent parcels* ~~the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.~~
4. There shall be no significant change in the exterior of the building, except that the ~~Zoning Board of Appeals~~ *Special Permit Granting Authority or Permit Granting Board* may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity.
5. *Except as hereinafter provided, no converted dwelling use shall involve the* ~~Demolition and removal of the an existing structure proposed for conversion shall not be permitted.~~

Conversion may involve an entire residential structure, except that no more than twenty percent (20%) of the gross square footage of resulting habitable space in any converted dwelling use, whether in one or more buildings, may result from new building footprint as well as demolition and subsequent reconstruction of an existing structure, including structural elements or foundation. An exception shall be that up to forty percent (40%) of gross square footage of resulting habitable space may be permitted, including no more than 20% of new building footprint with the remainder being the result of demolition and reconstruction with salvaged and new building materials,

when it is determined by the Special Permit Granting Authority or Permit Granting Board that two (2) or more of the following criteria are met:

- a. *The conversion addresses urgent and compelling issues of public safety or health.*
- b. *The conversion results in the creation of a minimum of one (1) dwelling unit that is fully handicapped accessible under the provisions of the AAB and ADA.*
- c. *The conversion results in the creation of a minimum of one (1) dwelling unit permanently affordable under the provisions of Sections 15.12 or 15.13, and is eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended.*
- d. *The conversion is predominantly the result of sustainable construction practices, including but not limited to significant improvements in energy efficiency, retention or reuse of significant amounts of existing structural members and architectural elements, and solar orientation and design.*
- e. *If the conversion is proposed for one or more historic buildings which are: 1) on a property listed on, or 2) within an area listed on, or 3) are eligible for listing on the National Register of Historic Places, or 4) have been determined by the Historical Commission to be historically significant under Section 13.4 of this Bylaw, then the proposed conversion of historic portions of the building(s) in question shall conform to the National Park Service standards and guidelines for Rehabilitation of an historic building.*
6. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority**. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance.
7. The dwelling units shall be connected to the public sewer. However, the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority** may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.
8. The ~~Zoning Board of Appeals~~ **Special Permit Granting Authority** may modify the dimensional requirements of Table 3, to, one time only for any parcel, allow a conversion under Section 3.3241 that would add one **(1)** additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22. *In those zoning districts where two family detached (duplex) dwellings are not permitted, conversion of a non-conforming single family detached dwelling may result in two (2) or more dwelling units under the applicable permit.*

9. No detached structure shall be converted under the provisions of Section 3.3241 unless it *abides by the provisions of Condition 5. above and upon completion* ~~has an exterior footprint of~~ *provides* at least 500 ~~350~~ square feet *of habitable space*.
10. A management plan as defined in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ *Special Permit Granting Authority*, shall be included as an integral part of any application.
11. A landscape plan appropriate for the project shall be included in the application.
12. Converted dwellings in the R-O and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.
13. *For any converted dwelling use in the R-G, R-VC, R-N, R-O and R-LD districts, the Special Permit Granting Authority shall require as a condition of the granting of a Special Permit the ongoing services of a qualified professional property management company, the presence of a qualified on-site resident manager, or similar provision for appropriate management of the rental use.*

B. Amend Article 12, as follows, enumerating the amended section and renumbering the remaining sections in order:

- 12.____ Converted Dwelling: *A use containing one or more dwelling units created predominantly through the conversion of existing residential or non-residential space, where said units are located in or attached to an existing residence of ten or more years of age, or a detached structure constructed prior to 1964, located on a lot where at least one dwelling unit lawfully existed prior to the conversion. A converted dwelling use may include portions of dwelling units created through new construction, but no new dwelling unit in a converted dwelling use may be created as a result of new construction alone Proposed multi-unit residential uses not meeting the thresholds established for the conversion of existing space shall be considered to be the residential use category most closely corresponding to the total number of new dwelling units they include and the nature of the use, as determined by the Zoning Enforcement Officer or Special Permit Granting Authority or Permit Granting Board, as applicable.*

ARTICLE 15. Zoning Bylaw - Residential Zoning Definitions (Planning Board)

To see if the Town will amend Article 12, Definitions, by deleting the ~~lined-out~~ language, adding the language in *bold italics*, and re-numerating the amended sections in order, as follows:

12. ***Dwelling Unit: A single residential unit providing complete independent living facilities for a household of one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.***

12.14 Family (***Household***):

12.140 An individual residing in one dwelling unit; or

12.141 A group of persons related by marriage, ***civil union***, blood, ~~and/or~~ adoption, ***guardianship, or other duly authorized custodial relationship*** residing together in one dwelling unit; or

12.142 A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.

12.143 A group of individuals, regardless of relation, residing in congregate or similar group housing for the elderly or disabled, in half-way houses, or in other group residential uses authorized and operated under state and federal law.

12. ***Habitable Space: The gross square footage of the enclosed interior space of a residential building or dwelling, which space is used or intended to be used for living, sleeping, cooking, or eating purposes. Includes within any single dwelling unit any rooms containing toilets, bathtubs or showers, as well as any laundries, pantries, foyers, communicating corridors, closets and storage spaces, but excluding any such spaces where they are used in common with other dwelling units.***

12. ***Owner-Occupant(s): One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).***

12. ***Residence, Principal: The primary residence of an individual, family (as defined in this Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as the primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Zoning Enforcement Officer or the Permit Granting Board or Special Permit Granting Authority, as may be applicable, based upon a preponderance of evidence, including but not limited to the following indices of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter***

registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

12. *Resident Manager: A live-in resident of a rental residential use qualified and responsible for implementation of the property management plan and for managing and coordinating the maintenance, housekeeping, and administrative duties for the rental units under their charge.*

**ARTICLE 16. Petition – Zoning Bylaw - Two Family Detached Dwelling
(Maurianne Adams et al)**

To see if the Town will vote to amend Section 3.321 of the Amherst Zoning Bylaw by adding the language in **boldface** and by deleting the language in ~~striketru~~ as follows:

3.321 Two-family detached dwelling.

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction ~~renovation or expansion resulting in the creation~~ of a new two family detached dwelling ~~or the addition of a single new dwelling unit to an existing single family residence such that a two-family detailed dwelling is created.~~ **Any renovation or expansion of or addition to an existing dwelling that results in the creation of a two-family dwelling shall be permitted under Section 3.3241 or 5.011 as applicable.**

**ARTICLE 17. Petition - Zoning Bylaw - Converted Dwelling Standard and Conditions
(Maurianne Adams et al)**

To see if the Town will vote to amend Section 3.3241 of the Amherst Zoning Bylaw by adding the words, phrases, sentences or section in boldface and by deleting the words, phrases, sentences, or section in ~~striketru~~ as follows:

Section 3.3241 Converted Dwelling – Standards and Conditions

1. An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided **that one of the units shall be and shall remain owner-occupied and** that all other zoning requirements which would apply to converted dwellings are met.
2. **The** ~~A~~ conversion of a structure **or structures on a lot** shall not exceed the total number of dwelling units allowed on ~~the~~ **that** lot. The total number of dwelling units shall not exceed 4 in R-N, R-O, and R-LD districts and shall not exceed 6 in R-VC, R-G, B-G and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.
3. In the B-L, B-VC and B-N districts, the Zoning Board of Appeals shall issue a Special Permit in accordance with the provisions of this section only after finding the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.

4. There shall be no significant change in the exterior of ~~the building~~ **a structure** except that the Zoning Board of Appeals may authorize modification or alteration of a ~~building~~ **structure** if such modification or alteration does not substantially change the ~~building's~~ **structure's** character or its effect on the neighborhood or on the property in the vicinity. Demolition or **removal** of ~~an the~~ existing structure for conversion shall not be permitted.
5. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district shall either: 1) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use; or b) be from one to two units. **In both instances one unit of which shall be and shall remain owner-occupied, a requirement** which shall be made a condition of any Special Permit issued ~~in such an instance~~.
6. The dwelling units shall be connected to the public sewer. However, the Zoning Board of Appeals may authorize, with the approval of the Board of Health, the conversion of a structure to allow the increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.
7. The Zoning Board of Appeals may modify the dimensional requirements of Table 3, to, for one time only for any parcel, allow a conversion under Section 3.3241 that would add one additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22.
8. No detached structure shall be converted under the provisions of Section 3.3241 unless it has an exterior footprint of at least 500 square feet.
9. A management plan as defined by the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application.
10. A landscape plan **which proposes to screen the parking area from abutting residential properties and is otherwise** appropriate for the project shall be included in the application.
11. Converted dwellings in the R-O and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.
12. **A determination by the Zoning Enforcement Office or Zoning Board of Appeals that a permit holder is in violation of Condition #1, the owner-occupancy requirement, shall result, at a minimum, in a cease and desist order revoking the conversion permit and requiring: 1) that the unit required to be owner-occupied but found not to be, and 2) any other units authorized by the conversion permit to be added to or within the structure(s) shall be vacated by midnight of the last day of the calendar month**

following the taking effect of the order and providing that the units required to be vacated shall not be re-occupied until, by whatever means, the owner-occupancy requirement of Condition #1 has been met and a forfeitable surety bond equal to the Town's enforcement and legal costs directly resulting from the issuance and defense of said cease and desist order has been posted to guarantee future compliance with Condition #1

ARTICLE 18. Petition – Zoning Bylaw – Replacement of Previously Existing Structure or Structure Containing Dwelling Units (Maurianne Adams et al)

To see if the Town will vote to amend the zoning bylaw by adding the following section:

Section 3.14 Replacement of Previously Existing Structure or Structure Containing Dwelling Units

Notwithstanding any other article or section of this bylaw, no permit shall be granted to reconstruct, rebuild or replace on any lot in any zoning district a structure containing residential units or a non-residential structure which has been demolished, or destroyed other than by an Act of God, with more residential units than previously legally existed on that lot or consisting of more residential square footage than previously existed on that lot.

ARTICLE 19. Petition – General Bylaw – Nuisance House Bylaw Change (Maurianne Adams et al)

To see if the Amherst Representative Town Meeting will find that:

1. the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst has been adversely affected by the unusually large number of violations of law at or near residential rental premises with absentee ownership, committed by the residents of such properties and their guests, that require the frequent attention of the town's police, ambulance, and other services, thereby straining the town's financial capacity and ability to respond to calls for assistance from others; and,
2. the owners and managers of these rental properties have failed to exercise control over them in a responsible manner, allowing disruption to neighborhoods and undue expense to the Town;

and, to see if the town will vote to amend its General Bylaws "Nuisance House" by adding the language in **boldface** and deleting the underlined language as follows:

Purpose

In accordance with the Town of Amherst's Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners, **rental property managers** and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage which contain one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court. Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any commercial or business property.

Property owner means the legal owner of record as listed by the tax assessors records.

Public Nuisance means a gathering of persons on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter.

Response costs are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering as set forth in a schedule of costs established by the Board of Selectmen.

Rental Property Manager or Management organization.

Any person or organization acting on behalf of a rental housing owner or owners to screen and place tenants, collect rent, security deposits and other fees, maintain and secure rental housing property, or any or all of the above.

§2. Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

- (a) consume at any public place or any place open to the public any alcoholic beverage; or

(b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her parent or legal guardian.

§3. Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event Where Underage Persons Consuming Alcoholic Beverages Prohibited

(a) It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that underage persons do not consume alcoholic beverages while at the gathering; and supervising the activities of underage persons at the gathering.

(b) A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.

(c) It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person.

(d) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian as set forth in G.L. c.138, §34.

(e) This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed **by the Town Manager's office** to any property owner listed on the Town of Amherst property tax assessment records **and the rental housing manager or management organization, advising them property owner** that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner **and rental housing manager or management organization** for all penalties associated with such response as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises, the following persons shall be jointly and severally liable for fines as set forth below. Response costs **shall** may also be assessed.

- (a) The person or persons residing on or otherwise in control of the property where such gathering took place.
- (b) The person or persons who organized or sponsored such gathering.
- (c) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than twice in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs **shall** may also be assessed.

- (a) The person or persons who own **and/or manage** the property where the gathering constituting the public nuisance took place, provided that notice of the first and second responses has been mailed to the owner of the property as set forth herein and the gathering occurs at least fourteen (14) days after the mailing the second such notice. The owner of the property shall not be held responsible for any violation and penalties if they are actively trying to evict a tenant from the property.
- (b) The person or persons who organized or sponsored such gathering.
- (c) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§7. Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

First offense: \$300
Second offense: \$300
Third and subsequent offense: \$300

The Town of Amherst ~~shall may~~ additionally seek administrative costs and response costs associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§8. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

| | | | |
|---------|---------------------------|----------|-------------------------|
| Prec. 1 | North Amherst Post Office | Prec. 6 | Fort River School |
| Prec. 2 | North Fire Station | Prec. 7 | Crocker Farm School |
| Prec. 3 | Immanuel Lutheran Church | Prec. 8 | Munson Memorial Library |
| Prec. 4 | Amherst Post Office | Prec. 9 | Wildwood School |
| Prec. 5 | Town Hall | Prec. 10 | Campus Center, UMass |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this twenty-second day of October, 2012.

Diana B. Stein
James J. Wald
Alisa V. Brewer
Aaron A. Hayden
Select Board

October 23, 2012

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jennifer A. Reynolds
Constable, Town of Amherst

**RESULTS
SPECIAL TOWN MEETING
November 19, 26 and 28, 2012**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:15 p.m. There were 245 town meeting members. 123 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Moderator asked for a moment of silence in memory of former Town Meeting Member Michael Cann who passed away on October 28, 2012.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 11/19/12

[Reports were given by Andrew Steinberg on behalf of the Regional School District Planning Committee, and by Kay Moran, on behalf of the Finance Committee]

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

VOTED unanimously to DISMISS

(To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.)

Action taken on 11/19/12

ARTICLE 3. Other Post Employment Benefits Trust Fund (Finance Committee)

VOTED in accordance with Section 20 of Chapter 32B of the Massachusetts General Laws, to raise and appropriate \$585,342 for the Other Post Employment Benefits (OPEB) Trust Fund.

Action taken on 11/19/12

ARTICLE 4. Transfer to Stabilization (Finance Committee)

VOTED by a declared two-thirds to appropriate and transfer \$1,002,440 from Free Cash in the Undesignated Fund Balance of the General Fund to the Stabilization Fund.

Action taken on 11/19/12

ARTICLE 5. Capital Program – Debt Authorization (Finance Committee)

VOTED by a declared two-thirds to appropriate the sum of \$1,000,000 to pay costs of repairing various roadways throughout the Town and for the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 11/19/12

ARTICLE 6. Multi-Year Solar Agreements (Select Board)

VOTED to authorize the Town Manager to enter into one or more contracts of up to 30 years to act as a host customer for one or more solar projects and further to authorize the Town Manager to enter into one or more power purchase agreements to purchase all or a portion of the electricity production of solar arrays and to enter into agreements with the local utility to participate in the Net Metering program pursuant to the Acts of 2008, c. 169, §78, the so-called Green Communities Act, as may be amended.

Action taken on 11/19/12

ARTICLE 7. Olympia Drive Street Acceptance (Select Board)

VOTED to authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, a permanent easement to use Olympia Drive for all purposes for which public ways are used in the Town of Amherst and permanent drainage, water, sewer, access and/or other easements related thereto, including, without limitation, a water and sewer easement in Authority

Way, all as shown on a plan entitled "Roadway Acceptance Plan Olympia Drive and Authority Way, Amherst, MA," dated August 23, 2012, prepared by Doucet & Associates, Inc., and on file with the Town Clerk.

Action taken on 11/19/12

**ARTICLE 8. Community Preservation Act - Open Space Property and Historic Preservation
(Community Preservation Act Committee)**

A.

VOTED by a declared two-thirds to: (1) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, all or a portion of the parcel of land on Bay Road containing 20 acres, more or less, identified on Assessors Map 26D as Parcel 40, and described in a deed recorded with the Hampshire Registry of Deeds in Book 8548, Page 305, which land shall be under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) appropriate the sum of \$505,000 for the acquisition of said parcel and costs related thereto, of which \$151,500 shall be transferred from the Community Preservation Act Fund Budgeted Reserve and the remaining \$353,500 shall be borrowed in accordance with G.L. c. 44B, §11, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (3) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the LAND Program (G.L. c. 132A, §11) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (4) authorize the Select Board and/or the Conservation Commission to convey a conservation restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

Action taken on 11/19/12

B.

VOTED by a declared two-thirds to: (1) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, the fee to or a conservation restriction on all or a portion of the parcel of land located at Potwine Lane, containing 16 acres, more or less, and being a part of the premises described in a deed recorded with the Hampshire Registry of Deeds in Book 1272, Page 375, which land or restriction shall be under the care, custody, management and control of or held by the Conservation Commission under the provisions of G.L. c. 40, §8C; (2) appropriate the sum of \$163,000 for the acquisition of said parcel and costs related thereto, of which \$48,500 shall be transferred from the Community Preservation Act Fund Budgeted Reserve, \$33,000 shall be transferred from available Community Preservation Act Fund Balance, and the remaining \$81,500 shall be borrowed in accordance with G.L. c. 44B, §11, and authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority; (3) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to file on behalf of the Town any and all applications under the Conservation Partnership Grant Program (Chapter 312 of the Acts of 2008) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, (4) authorize the Select Board and/or the Conservation Commission to convey, if applicable, a conservation restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

Action taken on 11/19/12

C.

VOTED by a declared two-thirds to: (1) transfer the care, custody, and control of a portion of the North Common, bordered by Boltwood Avenue, Spring Street, South Pleasant Street, and the Main Street parking lot and shown as "North Common" on a plan on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which it is currently held to the Town Manager for recreational purposes under the provisions of G.L. c. 45, §14 and historical preservation purposes under G.L. c. 40, §8D, as the same may be amended, and other Massachusetts statutes related to recreation and historical preservation, to be managed and controlled by the Leisure Services and Supplemental Education (LSSE) Commission and the Historical Commission; (2) appropriate the sum of \$528,907 for the cost of preserving and/or rehabilitating the North Common and any costs related thereto, of which \$15,000 shall be transferred from the Community Preservation Act Fund Balance and the remaining \$513,907 shall be borrowed in accordance with G.L. c. 44B, §11; (3) authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to G.L. 44B, §11, G.L. c. 44, and/or any other enabling authority, and, further, (4) authorize the Town Manager, the Historical Commission, and/or the LSSE Commission, as they may deem appropriate, to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under the PARC Grant Program (301 CMR 5.00) and/or others in any way connected with the scope of this article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing project.

Action taken on 11/19/12

**ARTICLE 9. General Bylaw – Ban of EPS Foam In Food Establishments and Town Facilities
(Recycling and Refuse Management Committee)**

VOTED to adopt the following bylaw regarding the use of expanded polystyrene disposable food and beverage containers by food establishments in the Town of Amherst.

SECTION 1 PURPOSE

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

SECTION 2 EFFECTIVE DATE

This bylaw shall take effect on January 1, 2014.

SECTION 3 FINDINGS

Expanded polystyrene food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost.

Expanded polystyrene food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries.

Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages.

Many communities in the United States have banned expanded polystyrene food containers, including Seattle WA, Freeport Maine, Great Barrington MA and Nantucket MA.

Approximately 60% of Amherst food establishments have already stopped using expanded polystyrene food containers.

University of Massachusetts/Amherst, Amherst College, and Hampshire College food services have eliminated single-use expanded polystyrene food containers from their dining halls.

Appropriate alternative products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible.

Thus, elimination of expanded polystyrene food containers is in the best interest of the health and welfare of Town inhabitants.

SECTION 4 DEFINITIONS

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use

disposable packaging for unprepared foods.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this bylaw.

“Expanded Polystyrene” (EPS) means polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam.

“Polystyrene” means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes clear or solid polystyrene which is known as “oriented polystyrene”.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Town Facility” means any building, structure, land or park owned or operated by the Town of Amherst, its agents and departments.

“Town Facility Users” means all persons, societies, associations, organizations or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town’s expense.

SECTION 5 PROHIBITION

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

SECTION 6 DEFERMENTS

A. Upon written application, the Board of Health, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an “undue hardship” is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.

B. A Food Establishment granted a deferment by the Town must reapply prior to the end of the

one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

D. A deferment application shall include all information necessary for the Town to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

E. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this Bylaw.

F. Deferment decisions are effective immediately and final.

SECTION 7 ENFORCEMENT

A. The Health Department or its designee shall inquire on an annual basis regarding any food establishment's compliance with this bylaw as a condition for renewal of the establishment's food service permit.

B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

C. The Health Department or its designee shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Health Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.

D. The Health Department may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Health Department shall not preclude enforcement through any other lawful means.

E. Penalties and Fines for Violations

Violations of this ordinance may be enforced as follows:

1. This bylaw shall be enforced by the Health Department or its designee, including the Department of Public Works. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates

any provision of this bylaw shall be subject to the following penalties:

For the first violation, the Health Department or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the food establishment which will specify the violation and the appropriate penalties in the event of future violations.

Thereafter, the following penalties shall apply:

(a). A fine of one hundred dollars (\$100.00) for the first violation following the issuance of a warning notice.

(b). A fine of two hundred and fifty dollars (\$250.00) for the second and any other violation that occurs following the issuance of a warning notice.

2. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.

Action taken on 11/19/12

(A motion was made to change the implementation date to July 1, 2013. Motion to amend was defeated)

At 9:52 p.m. on November 19, 2012 the meeting voted to adjourn to 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

There were 244 town meeting members; 123 town meeting members constitute a quorum. The Constable reported a quorum at 7:11 pm and the November 26, 2012 session was called to order by the Town Moderator, Harrison Gregg at 7:12 p.m.

On a motion made by Jonathan O'Keeffe town meeting voted to consider Article 15 immediately following Article 11.

ARTICLE 10. Zoning Bylaw – Public Water Supply Protection (Planning Board)

VOTED unanimously to amend Section 3.1, Restricted Uses – All Districts, and Section 3.24, Watershed Protection (WP) District, by adding the language in ***bold italics***, as follows:

A. Amend Section 3.1 by adding a new Section 3.14, as follows:

3.14 Development Near Public Water Supply Sources

Notwithstanding any other provision of this Zoning Bylaw, in all zoning districts, any use of land located within Zones I, II, and III for a public water supply well, wellfield, or spring, or within Zones A, B, and C of a surface public water supply source shall be subject to the provisions of 310 CMR 22, including 310 CMR 22.20A-

20G and 22.21, as amended, and all such Amherst Board of Health regulations as may apply.

B. Amend Section 3.24, Watershed Protection(WP) District, by adding a new Section 3.2439, as follows:

The following are restricted or prohibited, as the case may be, in the WP District, except as part of normal agricultural operations: . . .

3.2439 *Any uses of land or related activities specifically restricted or prohibited under 310 CMR 22, including 310 CMR 22. 20A-20G and 22.21, as amended, and all such Amherst Board of Health regulations as may apply.*

Action taken on 11/26/2012

ARTICLE 11. Zoning Bylaw – Lodging or Boarding House Definition (Planning Board)
VOTED by a declared two-thirds to amend Article 12, Definitions, of the Zoning Bylaw, by adding the language in *bold italics*, and enumerating and renumbering the remaining sections in order, as follows:

12. __ *Lodging or boarding house: A residential use housed in a single dwelling or in part of a dwelling where no fewer than six (6) but not more than ten (10) unrelated persons are let or sublet lodging in private rooms or quarters not constituting dwelling units for definite periods of time, and where there are no overnight stays by transient guests. The building shall be occupied by the owner of the property or the manager of the use. Meals may or may not be provided, but only one common kitchen facility shall exist and no meals shall be provided by the establishment to members of the general public not lodged in the establishment. Lodging or boarding houses shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the Commonwealth. Lodging or boarding houses shall abide by all applicable state and local laws and regulations governing lodging houses, boarding houses, or rooming houses.*

Action taken on 11/26/2012

Hilda Greenbaum, Nancy Gordon, Nonny Burack, James Pistrang, Jeffrey Lee, and James Scott were sworn in as Tellers.

ARTICLE 12. Zoning Bylaw – Single Family Dwelling (Planning Board)
DEFEATED Tally Vote Yes 69, No 102

[To see if the Town will amend Section 3.320 and Article 12 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the language in *bold italics*, and re-enumerating sections, as follows:

A. Amend Section 3.320 as follows:

3.320 Single family detached dwellings

3.320.0 *Class I single family dwelling*

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP LI PRP
FPC

Y Y Y Y N N N N N N N N
N

Standards & Conditions

A Class I single family dwelling shall be a single dwelling unit which serves as the principal residence for: 1) a household including at least one (1) owner living on the premises as their principal residence, or 2) a household renting the dwelling and consisting of an individual, or a group of related persons as defined under Section 12.141. A Class I single family detached dwelling shall be eligible to be occupied by accessory lodgers, boarders, roomers, or bed and breakfast lodgers under the provisions of Article 5.

3.320.1 *Class II single family dwelling*

R-O

LI R-LD R-N R-VC R-G R-F B-G B-L B-VC B-N COM OP
PRP FPC

SP SP SP SP N N N N N N N N
N

Standards & Conditions

A Class II single family dwelling shall be a single dwelling unit where no owner occupies the dwelling unit as their principal residence and the premises is rented to ~~and~~ or occupied exclusively by a household of unrelated persons residing together, as defined in Article 12.

No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.

A Class II single family dwelling shall not be eligible to be occupied by accessory lodgers, boarders, roomers, or bed and breakfast lodgers under Article 5.

The Special Permit Granting Authority shall require the ongoing services of a qualified professional property management company, the presence of an on-site resident manager, or similar provision for proper management of the rental use as a condition of approval.

1. *Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident.*
2. *A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants.*
3. *In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with Special Permit conditions at such intervals as it deems reasonable.*

B. Amend the following subsection of Article 12, as follows, renumbering the remaining sections in order:

12. __ Dwelling Unit, ***Single Detached***: A single ~~family dwelling~~ ***residential building***, containing one ***(1) dwelling*** unit, which provides complete independent living facilities ***for a household and is detached from and unconnected to other dwelling units.***]

Action taken 11/26/2012.

[Motion under this article also sought to add the following paragraph under the proposed Standards and Conditions of Section 3.320.0 (Class I Single Family Dwelling)

A single dwelling unit, as defined under this section, may be rented to a household of unrelated persons, not to exceed a total of four (4) persons, for a continuous period not to exceed one (1) year during which the owner is absent for reasons of illness, catastrophe, professional or academic scheduling, or other temporary reasons which do not affect their basic indices of principal residence. However, no such rental may occur more than once during any five (5) year period without obtaining a Special Permit under Section 3.320.1.]

ARTICLE 13. Zoning Bylaw – Two Family Dwellings (Planning Board)

VOTED by a declared two-thirds to amend Section 3.321 and Article 12, Definitions, of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and re-enumerating sections, as follows:

A. Amend Section 3.321, as follows:

3.321 Two family detached dwelling ***(duplex)***

[For Sections 3.3210 and 3.3211 below, inclusive]

Except as may otherwise be authorized under this section, a two family detached dwelling (duplex) shall have an external appearance and footprint compatible in terms of design with those of single family detached dwellings in the surrounding neighborhood. In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a

new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling (duplex) is created.

Where the two dwelling units are arranged side by side, said units shall either: 1) share a significant portion of at least one common wall or floor abutting habitable space, or, 2) the Special Permit Granting Authority or Permit Granting Board, as applicable, may allow a duplex where the two units do not share a common wall abutting habitable space but are instead connected structurally and continuously by a shared foundation, walls, and roof. The Special Permit Granting Authority or Permit Granting Board may make such an allowance only upon a determination that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood.

3.3210 Owner occupied duplex

| | | | | | | | | | | | | | |
|-------------|-----------|----------|-----|-----|-----|-----|----------|---------|---------|----|----|---------|-----|
| R-O R-LD | R-N | R- VC | R-G | R-F | B-G | B-L | B- VC | B- N | CO M | OP | LI | PR P | FPC |
| SP (N) | SP (N) | SPR | SPR | N | N | N | N | SP R | N | N | N | N | N |

Standards & Conditions

For an owner occupied duplex, one (1) or both of the dwelling units serve as the principal residence of one or more owner(s) of the property.

3.3211 Non-owner occupied duplex

| | | | | | | | | | | | | | |
|-------------|-----------|----------|-----|-----|-----|-----|----------|---------|---------|----|----|---------|-----|
| R-O R-LD | R-N | R- VC | R-G | R-F | B-G | B-L | B- VC | B- N | CO M | OP | LI | PR P | FPC |
| SP (N) | SP (N) | SP | SP | N | N | N | N | SP | N | N | N | N | N |

Standards & Conditions

For a non-owner occupied duplex, one (1) or both dwelling units are rented and neither unit serves as the principal residence of one or more owner(s) of the property. No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.

The Special Permit Granting Authority shall require the ongoing services of a qualified professional property management company, the presence of an on-site resident manager, or similar provision for proper management of the rental use as a condition of approval.

1. Name(s) and contact information shall be provided for the owner, any responsible

rental property management entity, and at least one on-site resident.

2. *A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants.*
3. *In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with Special Permit conditions at such intervals as it deems reasonable.*

B. Amend the following subsection of Article 12, as follows, renumbering the remaining sections in order:

12. ___ Dwelling Unit, *Two Family Detached (Duplex): A single residential building containing two (2) dwelling units, arranged **vertically** one above the other, or **horizontally** side by side, each with a separate entrance.*

Action taken on 11/26/2012

ARTICLE 14. Zoning Bylaw – Converted Dwellings (Planning Board)

VOTED by a declared two-thirds to amend Section 3.3241 and Article 12, by reorganizing sections, deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

Amend Section 3.3241, as follows:

3.3241 Converted dwelling
(see ~~Section 12.07~~
Article 12, Definitions)

| | | | | | | | | | | | | | |
|-------------|-----------|------|-----|-----|-----|-----|------|-----|---------|----|----|-----|-----|
| R-O R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | B-N | CO M | OP | LI | PRP | FPC |
| SP (N) | SP (N) | SP | SP | N | SPR | SP | SP | SP | N | N | N | N | N |

Standards & Conditions

1. An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.
2. *A converted dwelling use may involve the conversion of a one or more structures on a given property but shall not result in exceed the a total number of dwelling units on the lot exceeding what would otherwise be allowed on the lot under the provisions of Table 3, Dimensional Regulations, for the zoning*

*district(s) in question. Further, ~~the~~ the total number of dwelling units on a given property shall not exceed 4 in the **R-G, R-VC**, R-N, R-O, and R-LD districts and shall not exceed 6 in the ~~R-VC, R-G~~, B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.*

3. In the B-L, B-VC and B-N districts, the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority** shall issue a Special Permit in accordance with the provisions of this section only after finding *that the converted dwelling use would be mutually compatible with existing uses and structures, and with uses and structures permitted on adjacent parcels* ~~the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.~~
4. There shall be no significant change in the exterior of the building, except that the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority or Permit Granting Board** may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity.
5. *Except as hereinafter provided, no converted dwelling use shall involve the ~~demolition and removal of the~~ an existing structure proposed for conversion shall not be permitted.*

Conversion may involve an entire residential structure, except that no more than twenty percent (20%) of the gross square footage of resulting habitable space in any converted dwelling use, whether in one or more buildings, may result from new building footprint as well as demolition and subsequent reconstruction of an existing structure, including structural elements or foundation. An exception shall be that up to forty percent (40%) of gross square footage of resulting habitable space may be permitted, including no more than 20% of new building footprint with the remainder being the result of demolition and reconstruction with salvaged and new building materials, when it is determined by the Special Permit Granting Authority or Permit Granting Board that two (2) or more of the following criteria are met:

- a. *The conversion addresses urgent and compelling issues of public safety or health.*
- b. *The conversion results in the creation of a minimum of one (1) dwelling unit that is fully handicapped accessible under the provisions of the AAB and ADA.*
- c. *The conversion results in the creation of a minimum of one (1) dwelling unit permanently affordable under the provisions of Sections 15.12 or 15.13, and is eligible to be counted on the Commonwealth's*

40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended.

- d. ***The conversion is predominantly the result of sustainable construction practices, including but not limited to significant improvements in energy efficiency, retention or reuse of significant amounts of existing structural members and architectural elements, and solar orientation and design.***
 - e. ***If the conversion is proposed for one or more historic buildings which are: 1) on a property listed on, or 2) within an area listed on, or 3) are eligible for listing on the National Register of Historic Places, or 4) have been determined by the Historical Commission to be historically significant under Section 13.4 of this Bylaw, then the proposed conversion of historic portions of the building(s) in question shall conform to the National Park Service standards and guidelines for Rehabilitation of an historic building.***
6. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the ~~Zoning Board of Appeals~~ ***Special Permit Granting Authority***. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance.
7. The dwelling units shall be connected to the public sewer. However, the ~~Zoning Board of Appeals~~ ***Special Permit Granting Authority*** may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.
8. The ~~Zoning Board of Appeals~~ ***Special Permit Granting Authority*** may modify the dimensional requirements of Table 3, to, one time only for any parcel, allow a conversion under Section 3.3241 that would add one ***(1)*** additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22. ***In those zoning districts where two family detached (duplex) dwellings are not permitted, conversion of a non-conforming single family detached dwelling may result in two (2) or more dwelling units under the applicable permit.***
9. No detached structure shall be converted under the provisions of Section 3.3241 unless it ***abides by the provisions of Condition 5. above and upon completion*** ~~has an exterior footprint of~~ ***provides*** at least ~~500~~ ***350*** square feet ***of habitable space.***

10. A management plan as defined in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ **Special Permit Granting Authority**, shall be included as an integral part of any application.
11. A landscape plan appropriate for the project shall be included in the application.
12. Converted dwellings in the R-O and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.
13. ***For any converted dwelling use in the R-G, R-VC, R-N, R-O and R-LD districts, the Special Permit Granting Authority shall require as a condition of the granting of a Special Permit the ongoing services of a qualified professional property management company, the presence of a qualified on-site resident manager, or similar provision for appropriate management of the rental use.***

B. Amend Article 12, as follows, enumerating the amended section and renumbering the remaining sections in order:

- 12.____ ***Converted Dwelling: A use containing one or more dwelling units created predominantly through the conversion of existing residential or non-residential space, where said units are located in or attached to an existing residence of ten or more years of age, or a detached structure constructed prior to 1964, located on a lot where at least one dwelling unit lawfully existed prior to the conversion. A converted dwelling use may include portions of dwelling units created through new construction, but no new dwelling unit in a converted dwelling use may be created as a result of new construction alone Proposed multi-unit residential uses not meeting the thresholds established for the conversion of existing space shall be considered to be the residential use category most closely corresponding to the total number of new dwelling units they include and the nature of the use, as determined by the Zoning Enforcement Officer or Special Permit Granting Authority or Permit Granting Board, as applicable.***

Action taken on 11/28/2012

[Vincent O'Connor made a motion to remove the changes proposed for Paragraph 9 so that it would remain as it currently exists. The motion was defeated.]

ARTICLE 15. Zoning Bylaw – Residential Zoning Definitions (Planning Board)

VOTED by a declared two-thirds to amend Article 12, Definitions, by deleting the ~~lined out~~ language, adding the language in ***bold italics***, and re-numerating the amended sections in order, as follows:

- 12.____ ***Dwelling Unit: A single residential unit providing complete independent living facilities for a household of one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.***

12.14 Family (***Household***):

12.140 An individual residing in one dwelling unit; or

12.141 A group of persons related by marriage, ***civil union***, blood, ~~and/or~~ adoption, ***guardianship, or other duly authorized custodial relationship*** residing together in one dwelling unit; or

12.142 A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.

12.143 A group of individuals, regardless of relation, residing in congregate or similar group housing for the elderly or disabled, in half-way houses, or in other group residential uses authorized and operated under state and federal law.

12.____ ***Habitable Space: The gross square footage of the enclosed interior space of a residential building or dwelling, which space is used or intended to be used for living, sleeping, cooking, or eating purposes. Includes within any single dwelling unit any rooms containing toilets, bathtubs or showers, as well as any laundries, pantries, foyers, communicating corridors, closets and storage spaces, but excluding any such spaces where they are used in common with other dwelling units.***

12.____ Owner-Occupant(s): One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (***see definition***).

12.____ ***Residence, Principal: The primary residence of an individual, family (as defined in this Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as the primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Zoning Enforcement Officer or the Permit Granting Board or Special Permit Granting Authority, as may be applicable, based upon a preponderance of evidence, including but not limited to the following indices of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).***

12.____ ***Resident Manager: A live-in resident of a rental residential use qualified and***

responsible for implementation of the property management plan and for managing and coordinating the maintenance, housekeeping, and administrative duties for the rental units under their charge.

Action taken on 11/26/1012

[Motions were made by Vincent O'Connor to delete the definition of Resident Manager and James Oldham to add "/or" preceding "administrative duties for the rental units under their charge." in the definition for Resident Manager. Both motions were defeated.]

At 10:05 p.m. on November 26, 2012, the meeting voted to adjourn to Wednesday, November 28, 2012 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 181 town meeting members were checked in.

David Mullins and Alex Krogh-Grabbe were sworn as tellers prior to the beginning of Town Meeting.

There were 243 town meeting members. 123 town meeting members constitute a quorum. The Constable reported a quorum at 7:10 p.m. and the November 28, 2012 session of the November 19, 2012 Special Town Meeting was called to order by the Town Moderator, Harrison Gregg at 7:16 p.m.

Town Meeting resumed with Article 14.

ARTICLE 16. Petition - Zoning Bylaw – Two Family Detached Dwelling (Maurianne Adams et al) **DEFEATED Yes 99, No**

56 – Motion failed to achieve a two-thirds majority.

[To see if the Town will vote to amend Section 3.321 of the Amherst Zoning Bylaw by adding the language in **boldface** and by deleting the language in ~~striketru~~ as follows:

3.321 Two-family detached dwelling.

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 **[General Design Review Principles]** and 3.2041 **[Design Review Standards]** to any construction ~~renovation or expansion resulting in the creation of a new two family detached dwelling. or the addition of a single new dwelling unit to an existing single family residencee such that a two-family detailed dwelling is created.~~ **Any renovation or expansion of or addition to an existing dwelling that results in the creation of a two-family dwelling shall be considered a converted dwelling and permitted under Section 3.3241]**

Action taken on 11/28/2012

[A motion was made by Chris Riddle to refer the article to the Planning Board. Motion to refer was defeated.

Results reflect the vote taken on the motion as presented by the petitioner. It should be noted that the original language in 3.321 of the Zoning Bylaw had been amended earlier in this town meeting by approval of Article 13]

**ARTICLE 17. Petition - Zoning Bylaw – Converted Dwelling Standard and Conditions
(Maurianne Adams et al)**

VOTED by a declared two-thirds to amend paragraph 5 of Section 3.3241 of the Amherst Zoning Bylaw by adding the words in **boldface** and by deleting the words, phrases, sentences, or section in ~~strikethrough~~ as follows:

Section 3.3241 Converted Dwelling – Standards and Conditions

5. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district shall either: 1) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use **and shall require owner-occupancy or a resident manager in one of the units**; or b) be from one to two units. **In both instances one unit** ~~of which~~ shall be and shall remain owner-occupied, **a requirement** which shall be made a condition of any Special Permit issued ~~in such an instance~~.

Action taken on 11/28/2012

**ARTICLE 18. Petition - Zoning Bylaw – Replacement of Previously Existing Structure
or Structure Containing Dwelling Units (Maurianne Adams et al)**

VOTED to refer to Planning Board.

Action taken on 11/28/2012

[To see if the Town will vote to amend the zoning bylaw by adding the following section:

**Section 3.15 Replacement of Previously Existing Structure or Structure Containing
Dwelling Units**

No permit shall be granted to reconstruct, rebuild or replace a residential structure which has been demolished, or destroyed other than by .an Act of God, with: a) more residential units than previously legally existed on a lot, or b) a residential structure consisting of more residential square footage than previously existed on a lot; except, that after a finding by the Historical Commission that a residential structure lacks historical, architectural, or geographic significance following a public hearing conducted in accordance with Article 13, the Planning Board may grant a special permit to replace that residential structure with one that has more residential square footage if it finds that the replacement structure meets all bylaw requirements including those of Section 10.38 and is consistent with the scale and architecture of the existing streetscape; except, that no such permit shall issue for the replacement of a residential structure with more square footage than previously existed on a lot in an area under consideration by a Local Historic District Committee appointed by the Select Board in accordance with the provisions of the Massachusetts General Laws.]

[Warrant article sought to add Section 3.14. Discovered to be an error and corrected/amended to Section 3.15 on the floor of town meeting.]

**ARTICLE 19. Petition – General Bylaw – Nuisance House Bylaw Change
(Maurianne Adams et al)**

Amherst Representative Town Meeting having found that:

1. the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst has been adversely affected by the unusually large number of violations of law at or near residential rental premises with absentee ownership, committed by the residents of such properties and their guests, that require the frequent attention of the town's police, ambulance, and other services, thereby straining the towns financial capacity and ability to respond to calls for assistance from others; and,
2. the owners and managers of these rental properties have failed to exercise control over them in a responsible manner, allowing disruption to neighborhoods and undue expense to the Town;

VOTED to amend its General Bylaws "Nuisance House" by adding the language in **boldface** and deleting the underlined language as follows:

Purpose

In accordance with the Town of Amherst's Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners, **rental property managers** and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage which contain one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.
Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any

(c) It is unlawful for any person having control of any premises to knowingly host, permit or allow a gathering to take place at said premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person.

(d) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian as set forth in G.L. c.138, §34.

(e) This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed **by the Amherst Police Department** to any property owner listed on the Town of Amherst property tax assessment records **and the rental housing manager or management organization, advising them property owner** that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner **and rental housing manager or management organization** for all penalties associated with such response as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises, the following persons shall be jointly and severally liable for fines as set forth below. Response costs **shall may** also be assessed.

(a) The person or persons residing on or otherwise in control of the property where such gathering took place.

(b) The person or persons who organized or sponsored such gathering.

(c) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than twice in any one year period, as measured from the date of the first

commercial or business property.

Property owner means the legal owner of record as listed by the tax assessors records.

Public Nuisance means a gathering of persons on any premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter. Response costs are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering as set forth in a schedule of costs established by the Board of Selectmen.

Rental Property Manager or Management organization.

Any person or organization acting on behalf of a rental housing owner or owners to screen and place tenants, collect rent, security deposits and other fees, maintain and secure rental housing property, or any or all of the above.

§2. Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

(a) consume at any public place or any place open to the public any alcoholic beverage; or

(b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her parent or legal guardian.

§3. Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event Where Underage Persons Consuming Alcoholic Beverages Prohibited

(a) It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that underage persons do not consume alcoholic beverages while at the gathering; and supervising the activities of underage persons at the gathering.

(b) A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.

response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs **shall** ~~may~~ also be assessed.

(a) The person or persons who own **and/or manage** the property where the gathering constituting the public nuisance took place, provided that notice of the first and second responses has been mailed to the owner of the property as set forth herein and the gathering occurs at least fourteen (14) days after the mailing the second such notice. The owner of the property shall not be held responsible for any violation and penalties if they are actively trying to evict a tenant from the property.

(b) The person or persons who organized or sponsored such gathering.

(c) All persons attending such gatherings who engage in any activity resulting in the public nuisance.

§7. Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

First offense: \$300

Second offense: \$300

Third and subsequent offense: \$300

The Town of Amherst **shall** ~~may~~ additionally seek administrative costs and response costs associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§8. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.

Action taken on 11/28/2012

[Language existing in the Nuisance House Bylaw was inadvertently omitted from the Petitioner's article. The omitted language was included in the motion presented to Town Meeting.]

The business of the warrant having been completed, the meeting voted to dissolve at 10:09 p.m. on November 28, 2012. 154 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**WARRANT
ANNUAL TOWN ELECTION
APRIL 9, 2013**

Hampshire, ss.

To one of the Constables of the Town of Amherst

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|---------|--|----------|---------------------------------------|
| Prec. 1 | North Zion Church Hall | Prec. 6 | Fort River School |
| Prec. 2 | North Fire Station | Prec. 7 | Crocker Farm School |
| Prec. 3 | Immanuel Lutheran Church | Prec. 8 | Munson Memorial Library |
| Prec. 4 | Large Activity Room, Bangs Community Center | Prec. 9 | Wildwood School |
| Prec. 5 | Large Activity Room, Bangs Community Center | Prec. 10 | Glass Room, Bangs Community Center |

on **Tuesday, the 9th day of April 2013**, from 7:00 a.m. to 8:00 p.m. for the following purpose: To cast their votes in the Annual Town Election for the candidates for the following offices: Moderator, one for one year; Select Board, two for three years; School Committee, two for three years; Elector, Oliver Smith Will, one for one year; Jones Library Trustee, two for three years; Amherst Redevelopment Authority, one for five years; Town Meeting Members: Precinct 1, eight for three years; Precinct 2, eight for three years; Precinct 3, eight for three years; Precinct 3, one for one year; Precinct 4, eight for three years; Precinct 5, eight for three years; Precinct 5, one for one year; Precinct 6, eight for three years; Precinct 6, one for two years; Precinct 7, eight for three years; Precinct 8, eight for three years; Precinct 9, eight for three years; Precinct 10, eight for three years.

The polls will be open from 7:00 a.m. to 8:00 p.m.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 25th day of February, 2013.

Stephanie J. O’Keeffe
Aaron A. Hayden
James J. Wald
Diana B. Stein
Alisa V. Brewer
Select Board, Town of Amherst

February 26, 2013

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Prec. 1 North Amherst Post Office
Prec. 2 North Fire Station
Prec. 3 Immanuel Lutheran Church
Prec. 4 Amherst Post Office
Prec. 5 Town Hall

Prec. 6 Fort River School
Prec. 7 Crocker Farm School
Prec. 8 Munson Memorial Library
Prec. 9 Wildwood School
Prec. 10 Campus Center, UMass

Jennifer A. Reynolds
Constable, Town of Amherst

RESULTS
ANNUAL TOWN ELECTION
April 9, 2013

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

| MODERATOR | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|-------------------|-----------|------------|-----------|-----------|-----------|------------|------------|------------|------------|------------|--------------|
| James W. Pistrang | 74 | 147 | 49 | 50 | 73 | 146 | 134 | 167 | 152 | 83 | 1075 |
| Gerald S. Weiss* | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 5 |
| All Others | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 4 | 0 | 1 | 8 |
| Blanks | 19 | 39 | 6 | 5 | 15 | 29 | 30 | 52 | 39 | 26 | 260 |
| TOTAL | 95 | 186 | 56 | 55 | 88 | 176 | 165 | 224 | 193 | 110 | 1348 |

SELECT BOARD

| | | | | | | | | | | | |
|-----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Alisa V. Brewer | 70 | 137 | 43 | 43 | 66 | 130 | 120 | 168 | 141 | 72 | 990 |
| James J. Wald | 67 | 127 | 41 | 44 | 65 | 131 | 121 | 158 | 135 | 65 | 954 |
| All Others | 1 | 1 | 1 | 0 | 2 | 1 | 3 | 7 | 2 | 2 | 20 |
| Blanks | 52 | 107 | 27 | 23 | 43 | 90 | 86 | 115 | 108 | 81 | 732 |
| TOTAL | 190 | 372 | 112 | 110 | 176 | 352 | 330 | 448 | 386 | 220 | 2696 |

SCHOOL COMMITTEE

| | | | | | | | | | | | |
|-----------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Kathleen G. Traphagen | 68 | 124 | 39 | 46 | 64 | 129 | 127 | 162 | 134 | 78 | 971 |
| Richard Blake Hood | 64 | 117 | 42 | 42 | 56 | 118 | 120 | 148 | 129 | 69 | 905 |
| All Others | 1 | 0 | 1 | 0 | 0 | 2 | 0 | 4 | 0 | 1 | 9 |
| Blanks | 57 | 131 | 30 | 22 | 56 | 103 | 83 | 134 | 123 | 72 | 811 |
| TOTAL | 190 | 372 | 112 | 110 | 176 | 352 | 330 | 448 | 386 | 220 | 2696 |

JONES LIBRARY TRUSTEE

| | | | | | | | | | | | |
|---------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Robert Pam | 72 | 125 | 44 | 46 | 63 | 131 | 121 | 153 | 138 | 72 | 965 |
| @Jonathan P. McCabe | 6 | 8 | 6 | 5 | 3 | 15 | 22 | 22 | 16 | 8 | 111 |
| All Others | 1 | 2 | 3 | 1 | 2 | 2 | 3 | 8 | 1 | 1 | 24 |
| Blanks | 111 | 237 | 59 | 58 | 108 | 204 | 184 | 265 | 231 | 139 | 1596 |
| TOTAL | 190 | 372 | 112 | 110 | 176 | 352 | 330 | 448 | 386 | 220 | 2696 |

REDEVELOPMENT AUTHORITY

| | | | | | | | | | | | |
|---------------------|-----------|------------|-----------|-----------|-----------|------------|------------|------------|------------|------------|-------------|
| Margaret R. Roberts | 66 | 124 | 46 | 46 | 69 | 136 | 123 | 158 | 147 | 74 | 989 |
| All Others | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 5 |
| Blanks | 28 | 62 | 9 | 9 | 19 | 40 | 42 | 63 | 46 | 36 | 354 |
| TOTAL | 95 | 186 | 56 | 55 | 88 | 176 | 165 | 224 | 193 | 110 | 1348 |

ELECTOR, OLIVER SMITH WILL

| | | | | | | | | | | | |
|---------------|-----------|------------|-----------|-----------|-----------|------------|------------|------------|------------|------------|-------------|
| John W. Coull | 70 | 134 | 49 | 46 | 64 | 143 | 127 | 161 | 143 | 70 | 1007 |
| All Others | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 3 | 0 | 0 | 6 |
| Blanks | 24 | 52 | 7 | 9 | 24 | 33 | 36 | 60 | 50 | 40 | 335 |
| TOTAL | 95 | 186 | 56 | 55 | 88 | 176 | 165 | 224 | 193 | 110 | 1348 |

Precinct I, three years (8)

| | | | | | |
|-------------------------|----|--------------------|----|-----------------------|----|
| *Yevgeni V. Levitzky | 23 | *Rebecca M. Lashua | 28 | Deborah Jean Timber- | 48 |
| Ritika Bhakhri | 38 | James Perot | 66 | lake | 29 |
| Jane H. Wald | 52 | Daniel P. Kramer | 43 | @Jolene K. Hart | 37 |
| *Matthew Palmer Fortune | 24 | Eric N. Nazar | 43 | @George R. Keller Jr. | |

Precinct II, three years (8)

| | | | | | |
|---------------------|-----|----------------------|----|-----------------------|----|
| *Patrick D. Sadlon | 51 | ^Richard M. Gold | 60 | @Barbara L. Davis | 84 |
| Stephanie Gelfan | 136 | *Marcus J. Chiaretto | 55 | @Carolyn M. Holstein | 66 |
| Sandra C. Mullin | 129 | @Rita K. Burke | 83 | @Linda L. Nolan-Labbe | 94 |
| Sharon M. Vardatira | 83 | @Sean J. Burke | 85 | | |

Section 2.211 of the Amherst Town Government Act states, in part, “Any elected town meeting member who becomes by appointment or election one (1) of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member.” Section 1.541 of the Amherst Town Government Act states in part, “In the event of a vacancy in the full membership of town meeting following the annual town election, . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election.” James W. Pistrang ceased to be an elected town meeting member when he was elected to Moderator. Richard M. Gold was the losing candidate with the highest number of votes and was elected to fill the vacancy until the next annual town election.

Precinct III, three years (8)

| | | |
|----------------------|----|-------------------------|
| | 45 | Eric D. Beal |
| Ruth V. Hazzard | 32 | Nathan Michael Turowsky |
| Julian L. Poplawski | 41 | Gabriel I. Schmitt |
| Tristan D. Boscardin | 33 | @David Robert Cloutier |
| Rocco F. Giordano | | |

Precinct III, one year (1)

| | | |
|----|-----------------------|----|
| 42 | | 43 |
| 33 | Alice E. Pierce Boni- | |
| 29 | faz | |
| 10 | | |

Precinct IV, three years (8)

| | |
|----|-------------------------|
| 49 | Brandon J. Graham |
| 39 | Hayley Marie Mandeville |
| 43 | Philip A. Shaver |
| | |

| | | |
|----|------------------|----|
| 29 | Timothy A. Neale | 50 |
| 30 | Akshay Kapoor | 39 |
| 41 | | |

Precinct V, three years (8)

| | |
|----|--------------------------|
| 65 | @Alivia Lee Price |
| 65 | @Vernon D. Turner |
| 41 | ^+Elisabeth R. Cantor |
| 89 | ^Michael Robert Dietrich |
| | |

Precinct V, one year (1)

| | | |
|---|------------------|----|
| 2 | | 66 |
| 4 | Carlton C. Brose | |
| 1 | | |
| 1 | | |

Four vacancies remained in Precinct V town meeting membership following the election. The two highest vote getters filled two of those vacancies. Thirteen people received one write-in vote each. Section 1.541 of the Amherst Government Act states, in part, "In the event of a vacancy in the full membership of town meeting following the annual town election, . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election. If there is a tie vote among two (2) or more such candidates, the remaining elected members of the same precinct shall, by ballot, choose from among those tied and the winner shall serve until the next annual town election." A tie-breaker election was held on Wednesday, April 24 and Elisabeth R. Cantor and Michael Robert Dietrich were elected to fill the remaining two vacancies in Precinct V. Michael Dietrich accepted election. Elizabeth Cantor declined election.

Precinct VI, three years

| | | |
|--------------------------|-----|-----------------------------|
| (8) | 113 | Karl S. Allen |
| Joseph M. Wronka | 114 | Kevin H. Vanderleeden |
| Victoria Morales | 97 | @Katherine Gilbert-Espada |
| Nancy M. Buffone | 105 | ^Tracylee Saraia Grace Bou- |
| Douglas Wesley Slaughter | 138 | tilier |
| Bonnie MacCracken | | |

Precinct VI, two years

| | |
|-----------------------|----|
| (1) | 75 |
| Renee J. Barouxis | 38 |
| *Alexander D. Bryzek- | |
| Baker | |
| | 35 |

One vacancy remained in Precinct VI town meeting membership following the election. Katherine Gilbert-Espada received the highest number of write-in votes and filled the remaining vacancy. Section 2.211 of the Amherst Town Government Act states, in part, "Any elected town meeting member who becomes by appointment or election one (1) of the officers designated as town meeting members ex officio shall, upon such appointment or election, cease to be an elected town meeting member." Section 1.541 of the Amherst Town Government Act states in part, "In the event of a vacancy in the full membership of town meeting following the annual town election, . . . such vacancy shall be filled by the losing candidate at the same election with the largest number of votes . . . who shall serve only until the next annual town election." Kathleen G. Traphagen ceased to be an elected town meeting member when she was elected to School Committee. Tracylee Boutilier received the next highest number of write-in votes and was elected to fill the vacancy until the next annual town election.

Precinct VII, three years (8)

| | | | | | |
|---------------------|----|--------------------|----|-----------------------|----|
| *Garrett H. Gowen | 34 | *Michael D. Olkin | 51 | Karen Marie Lennon | 96 |
| *Ernest J. Dalkas | 57 | Nelson Acosta | 70 | Charles B. Atwood | 60 |
| Edward V. Harvey | 78 | *John A. Boothroyd | 30 | Thaddeus E. Dabrowski | 83 |
| Jeffrey C. Lee | 77 | James W. Como | 81 | @*Constance White | 7 |
| Dael Andrea Chapman | 67 | *Sean T. O'Connor | 30 | | |

Precinct VIII, three years (8)

| | | | | | |
|---------------------------|-----|-----------------------------|-----|------------------------|-----|
| *Gregory Stutsman | 61 | Elaine Fronhofer | 107 | Fred Moseley | 84 |
| *James M. Boice | 83 | Janet Louise McGowan | 118 | *Reza Shafie Ardestani | 38 |
| Susan T. Connor-Kirshbaum | 84 | *Amy F. Bradshaw | 47 | *Flo R. Stern | 80 |
| Mindy Domb | 99 | *Michael S. Hutton-Woodland | 57 | Sigurd Nilsen | 101 |
| Eleanor R. Manire-Gatti | 108 | John W. Kick | 84 | | |

Precinct IX, three years (8)

| | | | | | |
|----------------------|-----|-----------------------|----|------------------|----|
| *Richard T. Roznoy | 70 | Joan L. Burgess | 98 | Taryn S. Laraja | 85 |
| Ben T. Grosscup | 85 | *Robert J. Crouner | 42 | *Carol S. Albano | 28 |
| Gavin A. Andresen | 99 | *Susan D. Roznoy | 74 | Jan Eidelson | 78 |
| Mark Kosarick | 123 | *Nancy E. Higgins | 58 | | |
| Jerry G. Guidera Jr. | 76 | Denise Renee Barberet | 87 | | |

Precinct X, three years (8)

| | | | | | |
|-----------------------|----|---------------------|----|----------------------|----|
| Rolf O. Karlstrom | 97 | Elizabeth Windrover | 93 | *William Alan Miller | 23 |
| Regina B. Rheault | 86 | *Robert Pam | 23 | Jennifer Lynn Taub | 92 |
| *Frank I. Jackson | 10 | *Willis W. Chen | 14 | John J. Michaels | 87 |
| Patricia Alyce Stacey | 87 | Priscilla A. White | 90 | @Robert E. Greeney | 59 |

@ Write-In Candidate

- Defeated
- ^ 1.541
- + Declined

| <u>Precinct</u> | <u>PM RETURN TIME</u> | <u>REGISTERED</u> | <u>VOTES CAST</u> | <u>% Turnout</u> |
|-----------------|-----------------------|-------------------|-------------------|------------------|
| 1 | 10:00 | 1,766 | 95 | 5.38 |
| 2 | 10:15 | 2,228 | 186 | 8.35 |
| 3 | 9:30 | 1,837 | 56 | 3.05 |
| 4 | 9:15 | 1,917 | 55 | 2.87 |
| 5 | 9:15 | 1,763 | 88 | 4.99 |
| 6 | 9:00 | 2,247 | 176 | 7.83 |
| 7 | 9:00 | 2,139 | 165 | 7.71 |
| 8 | 9:45 | 2,556 | 224 | 8.76 |
| 9 | 8:45 | 2,202 | 193 | 8.76 |
| 10 | 8:50 | 1,686 | 110 | 6.52 |
| TOTAL | | 20,341 | 1,348 | 6.63% |

The public announcement was made at 10:25 p.m. on April 9, 2013. 1,348 ballots were cast, representing 6.63% of the 20,341 voters registered.

Attest: Sandra J. Burgess, Town Clerk

**WARRANT
SPECIAL STATE PRIMARY
APRIL 30, 2013**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Koran Church Hall | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Immanuel Lutheran Church | Precinct 8 | Munson Memorial Library |
| Precinct 4 | Large Activity Room, Bangs Community Center | Precinct 9 | Wildwood School |
| Precinct 5 | Large Activity Room, Bangs Community Center | Precinct 10 | Glass Room, Bangs Community Center |

on **TUESDAY, THE 30th DAY OF APRIL, 2013** from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Special State Primaries for candidates of political parties for the following office:

SENATOR IN CONGRESS

FOR THIS COMMONWEALTH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 25th day of February, 2013.

Stephanie J. O’Keeffe
Aaron A. Hayden
James J. Wald
Diana B. Stein
Alisa V. Brewer
Select Board, Town of Amherst

February 26, 2013

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Precinct 1 North Amherst Post Office
Precinct 2 North Fire Station
Precinct 3 Marks Meadow School
Precinct 4 Amherst Post Office
Precinct 5 Town Hall

Precinct 6 Fort River School
Precinct 7 Crocker Farm School
Precinct 8 Munson Memorial Library
Precinct 9 Wildwood School
Precinct 10 Campus Center, UMass

Jennifer A. Reynolds

Constable, Town of Amherst

RESULTS
SPECIAL STATE PRIMARY
April 30, 2013

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

DEMOCRATIC PRIMARY

| SENATOR IN CONGRESS | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Stephen F. Lynch | 8 | 31 | 9 | 3 | 24 | 22 | 16 | 24 | 18 | 9 | 164 |
| Edward J. Markey | 208 | 369 | 128 | 110 | 291 | 442 | 347 | 591 | 315 | 147 | 2948 |
| All Others | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 2 | 1 | 0 | 6 |
| Blanks | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| TOTAL | 217 | 400 | 137 | 114 | 315 | 464 | 365 | 617 | 334 | 156 | 3119 |

REPUBLICAN PRIMARY

| SENATOR IN CONGRESS | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------------|
| Gabriel E. Gomez | 1 | 12 | 3 | 4 | 5 | 21 | 9 | 9 | 4 | 1 | 69 |
| Michael J. Sullivan | 4 | 9 | 5 | 1 | 3 | 4 | 2 | 10 | 4 | 0 | 42 |
| Daniel B. Winslow | 8 | 14 | 9 | 6 | 7 | 7 | 14 | 19 | 8 | 1 | 93 |
| All Others | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 13 | 35 | 17 | 11 | 15 | 32 | 25 | 38 | 16 | 2 | 204 |

| PCT | REPORTING TIME | UNENROLLED | REG DEM | REG REP | MACHINE | | HAND | | TOTAL VOTES CAST | | TOTAL | % |
|------------|-----------------------|-------------------|----------------|----------------|----------------|------------|-------------|----------|-------------------------|------------|--------------|---------------|
| | | | | | D | R | D | R | D | R | VOTE | VOTING |
| 1 | 9:45 | 912 | 736 | 87 | 215 | 13 | 2 | 0 | 217 | 13 | 230 | 13.26 |
| 2 | 9:20 | 1046 | 1055 | 111 | 400 | 35 | 0 | 0 | 400 | 35 | 435 | 19.67 |
| 3 | 9:20 | 990 | 722 | 109 | 136 | 17 | 1 | 0 | 137 | 17 | 154 | 8.46 |
| 4 | 9:18 | 1010 | 733 | 153 | 113 | 11 | 1 | 0 | 114 | 11 | 125 | 6.59 |
| 5 | 9:10 | 796 | 872 | 86 | 314 | 15 | 1 | 0 | 315 | 15 | 330 | 18.81 |
| 6 | 9:00 | 957 | 1143 | 121 | 462 | 32 | 2 | 0 | 464 | 32 | 496 | 22.33 |
| 7 | 9:17 | 937 | 1103 | 80 | 364 | 25 | 1 | 0 | 365 | 25 | 390 | 18.4 |
| 8 | 9:03 | 952 | 1461 | 132 | 616 | 38 | 1 | 0 | 617 | 38 | 655 | 25.74 |
| 9 | 8:57 | 1055 | 1043 | 82 | 334 | 16 | 0 | 0 | 334 | 16 | 350 | 16.06 |
| 10 | 8:44 | 865 | 679 | 127 | 154 | 2 | 2 | 0 | 156 | 2 | 158 | 9.46 |
| | | 9520 | 9547 | 1088 | 3108 | 204 | 11 | 0 | 3119 | 204 | 3323 | 16.49 |

The polls were closed at 8:00 p.m. as directed in the Warrant. Public announcement was made at 9:45 p.m.

Attest:
Sandra J. Burgess, Town Clerk

**WARRANT
ANNUAL TOWN MEETING
May 6, 2013**

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven o'clock p.m. on Monday, the Sixth day of May, Two Thousand and Thirteen, when the following articles will be acted upon by Town Meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

To see if the Town will, in accordance with Chapter 44, Section 64 of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Acceptance of Optional Tax Exemptions(Select Board)

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

ARTICLE 4. Acceptance of Optional Tax Work-Off Exemption for Veterans(Select Board)

To see if the Town will accept the provisions of Chapter 59, Section 5N of the Massachusetts General Laws, which allows a reduction of a veteran's property tax obligation in exchange for volunteer services.

ARTICLE 5. Authorization for Compensating Balances (Select Board)

To see if the Town will accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

ARTICLE 6. Street Acceptance – Olympia Drive (Select Board)

To see if the Town will: (a) accept as a public way the roadway known as Olympia Drive, as heretofore laid out by the Select Board and shown as "Olympia Drive" on a plan entitled "Roadway Acceptance Plan Olympia Drive and Authority Way, Amherst, MA," dated August 23, 2012, prepared by Doucet & Associates, Inc., and on file with the Town Clerk; and (b) authorize the Select Board to grant permanent and temporary utility, access and/or related

easements on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, in, on, and under a certain parcel of land located on Olympia Drive, which parcel contains 13 acres, more or less, and is a portion of the property identified on Assessors Map 8D as Parcel 20 and described in the Order of Taking recorded with the Hampshire Registry of Deeds in Book 3018, Page 309, to serve and/or support the affordable housing development to be constructed on said parcel.

ARTICLE 7. Street Discontinuance – Eastman Lane (Select Board)

To see if the Town will discontinue Eastman Lane as a Town way, which Eastman Lane became a Town way upon the discontinuance of said roadway as a County way by the Hampshire Council of Governments and authorize the Select Board to convey any land so discontinued on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

ARTICLE 8. Acquisition of Easements – South East Street CDBG Sidewalk Project (Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase or eminent domain in connection with the Southeast Street Sidewalk Project, for public way and sidewalk purposes, permanent easements in, on, under the properties identified below and shown on a plan entitled “Southeast St. Sidewalk Community Development Block Grant Program,” dated February, 2013, on file with the Town Clerk.

| <u>Owner</u> | <u>Address</u> | <u>Map and Parcel</u> |
|---|----------------------|-----------------------|
| Amir Mikhchi and Fatemeh Giahi | 126 Southeast Street | 15C-7 |
| Amir Mikhchi and Fatemeh Giahi | 140 Southeast Street | 15C-8 |
| Amir Mikhchi and Fatemeh Giahi | 148 Southeast Street | 15C-9 |
| Shu Chang Liao, Ching Yun Lee, and Chin Shao Lee | 156 Southeast Street | 15C-41 |
| 162 Amherst LLC | 162 Southeast Street | 15C-42 |
| Amherst-Colonial Village, LLC | 200 Southeast Street | 15C-10 |

ARTICLE 9. Grant of Electrical Easements – Boltwood Walk (Select Board)

To see if the Town will vote to authorize the Select Board to grant to Western Massachusetts Electric Company a permanent easement in, on and under a portion or portions of the Town-owned parcel of land located at 51 Boltwood Walk and shown on Assessors Map 14A as Parcel 343, for the transmission of intelligence and electricity, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

ARTICLE 10. Accept Altered Layouts of Rights of Ways - Atkins Corner (Select Board)

To see if the Town will vote to accept the altered Layouts of West Bay Road, Bay Road, and West Street, as shown on a plan entitled “Plan of Land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and Laid Out By the Town of Amherst,” dated December 2011, on file with the Town Clerk, to include within the layouts of such ways the parcels of land shown on said plans, portions of which became Town ways upon

their discontinuance as county and state ways, and to authorize the Select Board to convey any laying outside the altered layouts of said ways on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

ARTICLE 11. Conveyance of Discontinued Rights of Ways – Atkins Corner (Select Board)

To see if the Town will vote to discontinue as Town ways certain portions of West Bay Road, Bay Road, and West Street, as shown on a plan entitled “Plan of Land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and Laid Out By the Town of Amherst,” dated December 2011, on file with the Town Clerk, and authorize the Select Board to convey any land so discontinued on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

ARTICLE 12. FY 2013 Budget Amendments (Finance Committee)

A. To see if the Town will amend the budget voted under Article 12 of the 2012 Annual Town Meeting (FY 2013 Operating Budget) to transfer \$43,730 from Debt Service to Community Services accounts to balance the 2013 Fiscal Year.

B. To see if the Town will transfer \$238,115 from the General Fund General Government, \$16,372 from the Sewer Fund, \$13,370 from the Water Fund, \$5,308 from the Solid Waste Fund, \$3,088 from the Transportation Fund, and \$100,000 from the Amherst Elementary School Department accounts to the Town of Amherst OPEB Trust Fund.

C. To see if the Town will appropriate and transfer \$78,270 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts; \$57,055 to the OPEB Trust Fund of the Town of Amherst; \$3,618 to the Town of Pelham; and \$17,597 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

D. To see if the Town will, in accordance with Chapter 44, § 53 (2) of the Massachusetts General Laws, appropriate and transfer \$20,071 from the Insurance Recovery Fund to the FY 2013 Operating Budget – General Government – Information Technology Department for reimbursement of the cost of repairs and replacement of the damaged visual and audio equipment in the Town Room.

E. To see if the Town will appropriate and transfer \$41,814 from Fund Balance Reserved for Overlay Surplus to the 2009 Overlay account to eliminate a deficit in that account.

ARTICLE 13. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$3,925,567 for the Hampshire County Retirement System assessment.

ARTICLE 14. Regional Lockup Assessment (Select Board)

To see if the Town will raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

ARTICLE 15. Amherst-Pelham Regional School District Assessment Method
(Amherst-Pelham Regional School Committee)

To see if the Town will vote to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2014 as required by Section VI of the Regional Agreement.

ARTICLE 16. FY 2014 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 17. Reserve Fund (Finance Committee)

To see if the Town will raise and appropriate \$100,000 for the Reserve Fund for FY 2014.

ARTICLE 18. Revolving Fund Reauthorization (Finance Committee)

To see if the Town will reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2013.

ARTICLE 19. Capital Program – Equipment (Joint Capital Planning Committee JCPC)

To see if the Town will appropriate \$1,118,955 to purchase, repair, and/or install new or replacement equipment and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 20. Capital Program – Buildings and Facilities (JCPC)

To see if the Town will appropriate \$464,500 to repair and/or improve buildings and facilities and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.

ARTICLE 21. Capital Program – Bond Authorizations (JCPC)

A. To see if the Town will appropriate \$400,000 for purchasing a pumper truck for the Fire Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

B. To see if the Town will appropriate \$425,000 for purchasing two large trucks and a bucket truck for the Public Works Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

C. To see if the Town will appropriate \$400,000 for replacing the boiler and making associated repairs at the Wildwood Elementary School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 22. Capital Program - Debt Rescission (Finance Committee)

To see if the Town will vote to rescind the \$80,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Annual Town Meeting held on June 18, 2007 (Article 23) for handicapped access and interior improvements to the East Street School, but which is no longer needed for the purpose for which it was initially approved.

ARTICLE 23. Water and Sewer Debt (Finance Committee)

A. To see if the Town will appropriate \$1,000,000 to pay for the costs of designing and constructing sewer system improvements and sewer main extensions, and any and all costs related thereto and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

B. To see if the Town will appropriate \$1,000,000 to pay for the costs of designing and constructing water system improvements and water main extensions, and any and all costs related thereto and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 24. Community Preservation Act (Community Preservation Act Committee)

A. To see if the Town will appropriate a sum of \$282,395 for Community Preservation Act Purposes recommended by the Community Preservation Act Committee and that the following items 1 – 8 be appropriated or reserved from Community Preservation Act Funds as follows, and to authorize the Town to accept or convey property interests where applicable, as required under Chapter 44B, Section 12 of Massachusetts General Laws.

| | Project | Total Appropriation | Source of Appropriation |
|---|---|---------------------|---------------------------------|
| | AFFORDABLE HOUSING | | |
| 1 | Family Outreach of Amherst and Amherst Housing Authority – Amherst Renters emergency fund | \$15,000 | |
| | Total Affordable Housing | \$15,000 | FY 14 Estimated Revenues |
| | | | |
| | HISTORIC PRESERVATION | | |
| 2 | Amherst Historical Society - Conservation of Emily Dickinson dress and storage equipment | \$21,401 | |
| 3 | Amherst Media - Archive Town's historic recordings | \$53,994 | |
| 4 | Unitarian Universalist Society of Amherst - Restoration of Tiffany window | \$106,000 | |
| 5 | Jones Library - Roof repair | \$14,000 | |
| | Total Historic Preservation | \$195,395 | FY14 Estimated Revenues |
| | | | |
| | OPEN SPACE | | |
| 6 | Surveys & Appraisals | \$10,000 | |
| | Total Open Space | \$10,000 | FY14 Estimated Revenues |
| | | | |
| | RECREATION | | |
| 7 | LSSE - Mill River Recreation Area | \$60,000 | |
| | Total Open Space | \$60,000 | FY14 Estimated Revenues |
| | | | |
| | ADMINISTRATIVE | | |
| 8 | CPAC Administrative Expenses | \$2,000 | |
| | Total Administrative | \$2,000 | FY14 Estimated Revenues |
| | | | |
| | TOTAL FOR ARTICLE | \$282,395 | |

B: Purchase of Brunelle Property on Potwine Lane

To see if the Town will vote to amend the vote taken under Article 8B of the November 19 Special Town Meeting, as continued, which authorized the acquisition of all or a portion of the parcel of land located at Potwine Lane, containing 16 acres, more or less, and being a part of the premises described in a deed recorded with the Hampshire Registry of Deeds in Book 1272, Page 375, and appropriated the total sum of \$163,000 for the acquisition and costs related thereto, with \$48,500 transferred from the Community Preservation Act Fund Budgeted Reserve, \$33,000 transferred from the Community Preservation Act Fund Balance, and the remaining \$81,500 borrowed under G.L. c. 44B, §11, to rescind said appropriation and the borrowing authorized for said acquisition under said Article 8B, and instead appropriate a total sum of \$156,000 for said acquisition and costs related thereto, with the entire sum to be appropriated from the Community Preservation Act Fund estimated revenues.

C: Purchase of South East Street Property

To see if the Town will vote to: (a) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, the fee in and to an approximately 5-acre portion of the parcel of land located at 650-652 South East Street, shown on Assessors Map 17D as Parcel 24, and described in a deed recorded with the Hampshire Registry of Deeds in Book 11217, Page 189, which portion of land shall be under the care, custody, management and control of the Conservation Commission under the provisions of Chapter 40, §8C of the Massachusetts General Laws; (b) borrow the sum of \$125,000 under Chapter 44B, §11 of the Massachusetts General Laws or any other enabling authority for the acquisition of said land and costs related thereto, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to Chapter 44B, §11 of the Massachusetts General Laws, and Chapter 44 of the Massachusetts General Laws and/or any other enabling authority; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to apply for and accept on behalf of the Town any funds, gifts, and grants under any federal and/or other state program in any way connected with the scope of this acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a conservation restriction on said land in accordance with Chapter 184 of the Massachusetts General Laws, as required by Chapter 44B, §12(a) of the Massachusetts General Laws.

D: Amherst Housing Authority Preservation of units at Ann Whalen Apartments

To see if the Town will appropriate and transfer and/or borrow the sum of \$110,000 from Community Preservation Act funds for the preservation and support of community housing, as recommended by the Community Preservation Act Committee, such sum to be granted to the Amherst Housing Authority pursuant to a grant agreement for the repair and improvement of 25 of the 80 units of low and/or moderate income housing at the Ann Whalen Apartments, located at 33 Kellogg Avenue and under the care and custody of the Amherst Housing Authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to Chapter 44B, §11, and Chapter 44 of the Massachusetts General Laws and/or any other enabling authority, and, further, to authorize the Select Board to accept, on such terms as the Select Board deems appropriate, an affordable housing restriction on said Ann Whalen Apartments.

ARTICLE 25. Social Services Funding (Finance Committee)

To see if the Town will appropriate and transfer \$90,000 from Free Cash in the Undesignated Fund Balance of the General Fund for Social Services eligible activities.

ARTICLE 26. Town-Gown Strategic Planning (Finance Committee)

To see if the Town will appropriate and transfer \$30,000 from Free Cash in the Undesignated Fund Balance of the General Fund for a Town-Gown strategic planning study in partnership with the University of Massachusetts Amherst.

ARTICLE 27. Free Cash (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2014 Budget.

ARTICLE 28. Stabilization Fund (Finance Committee)

To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2014 Budget.

ARTICLE 29. Residential Rental Property Bylaw (Select Board)

To see if the Town will amend the Town of Amherst General By-Laws by adding the following new by-law:

The effective date of this bylaw shall be January 1, 2014.

1. **Purpose.** This bylaw is adopted in accordance with the Town of Amherst's Home Rule Authority and the Amherst Master Plan, in furtherance of the following public purposes:
 - a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Amherst by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and permitting of residential rental properties.
 - b. To ensure safe and sanitary conditions in Amherst's rental housing stock, preventing degradation and helping to promote preservation of important historic residential buildings and neighborhoods.
 - c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
 - d. To establish and assign responsibility for different aspects of rental housing management.
 - e. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.=
 - f. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
 - g. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all

residents, including families and students, consistent with Amherst's long history as a college community..

2. **Registration & Permit Required.** Except as provided in Section 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any dwelling unit nor any rooming unit in a lodging or boarding house being operated as a principal zoning use in the Town of Amherst until the property has been registered and a rental permit therefor has been issued by the Principal Code Official.
3. **Enabling Legislation & Regulations.** All rental units and rooming units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.
4. **Applicability & Exemptions.** Registration and rental permits shall be required of all residential properties containing rented dwelling units or rooming units, or offered for that purpose, except for the following:
 - a. **Lodging Facilities.** Hotels, motels, inns, hostels, or bed and breakfasts.
 - b. **Halfway Houses & Group Homes.** Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts. Notwithstanding, such facilities shall comply with Section 7. a. 1) b) below.

5. **Definitions.** Definitions of terms used in the regulations.

Under these regulations, the following terms have the meanings indicated:

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Amherst, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

Principal Code Official – the Code Official designated by the Town Manager to oversee and administer the rental program under this bylaw.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended for use by one family, as defined by the Amherst Zoning Bylaw, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

Emergency – Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

Hazard - means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

Occupant – means a person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner – means every person who alone or jointly or severally with others:

- a. has legal title to any building, structure, or property subject to this bylaw, or;
- b. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- c. is a lessor under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

Owner-Occupant(s) – One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

Person – means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

Premises – means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

Principal Residence - means the primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

Responsible Person – means an Owner, Occupant, Tenant, Local Agent, Property Manager or other natural person authorized to act as an Owner’s agent.

Responsible Party – means the person or persons responsible for a violation under this Bylaw, whether an Owner, Occupant, Tenant, Local Agent, or Property Manager.

Rooming Unit – means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

6. Registration & Permitting.

- a. **Application Process and Requirements.** Registration and rental permit applications shall be made on forms approved by the Town, and shall provide such information as the Principal Code Official shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Town office. Complete rental permit applications shall be reviewed and permits shall be issued within fourteen (14) working days from the date of submission. Except as may otherwise be permitted by the Code Official, a rental permit application shall identify the total number of rental units on the property.

Information required as part of a rental permit application shall include:

1. **Contact Information & Responsible Persons.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). Where the rental property owner(s) or agent does not have their principal residence or principal place of business in the town of Amherst or within 20 miles of an Amherst town line, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Amherst to serve as Local Agent(s) for the owner, authorized to act on the owner’s behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a Local Agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the Code Official in writing of any change of Local Agent within five days of any such change.
2. **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner’s Self-Inspection and Certification Checklist provided by the Town as set forth in Section 7 below. An owner or property manager may provide the Town with a single Self-Inspection and Certification Checklist for multiple units provided that said units are on a single property. Where said units represent a portion of the total rental units on the property, the applicant shall propose a schedule of Self-Inspection and Certification

for the remaining units for the review and approval of the Code Official.

3. **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder. See Sections 12 and 13 below.
- b. **Renewal.** Rental permits shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a permit is applied for or approved and issued. Completed applications for permit renewals shall be submitted and received by June 15th of each calendar year.
- c. **Permit Posted.** A rental permit shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- d. **Transferability.** Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use shall be subject to the provisions of the permit and management plan. The new owner or designated operator of the rental property is required to promptly notify the Code Official of their acquisition of the property and to submit for review and approval any proposed changes in the provisions of the permit.

7. Inspections & Complaints.

- a. **Self-Certification Program.** Owners of rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.
1. **Annual Owner Self-Inspections & Checklist.**
 - a. **Owner Self-Inspection & Certification.** An owner or their local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or their agent shall sign the Checklist indicating, under pains and penalties of perjury, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw.
 - b. **Subsidized Housing.** Where residential rental units are regularly inspected under requirements of the state or federal government, no Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be provided to the Town and shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.

- c. Self- Inspections & Access. An owner shall not be found in violation of the Self-Certification program if they have been refused access for an inspection by a tenant/occupant. However, in such instances the owner shall either provide the Town with a signed statement from the tenant/occupant indicating that the inspection was refused, or the owner shall provide proof, under pains and penalties of perjury, that a request for access was served to the tenant/occupant and the request was thereafter refused.
- d. Lease Terms. Subject to and as limited by the laws of the Commonwealth, a provision requiring tenants to agree to provide reasonable access to the owner(s) or management company shall be a feature of any lease for a rental unit or property permitted under this bylaw. Where no lease is used, the owner(s) or their lawful representatives shall provide documentation demonstrating that they have made all tenants aware of the Town of Amherst rental bylaw and inspection system. All leases shall provide an acknowledgment that all tenants have been made aware of these requirements.
- e. Leases Available. Copies of all current, active leases for the subject property or units shall be kept on file with the owner or manager, and shall be made available to the Code Official within 48 hours of any request.

b. Self-Inspection for Different Circumstances

- 1) Short-Term Rentals. Dwelling units on owner-occupied properties serving as the owner's principal residence, and which contain no more than two (2) units may be rented under simple registration with the Town without the requirement for a rental permit for a period not to exceed one (1) calendar year under the following circumstances:
 - a. During a pending sale of the property by the owner-occupant, or
 - b. In response to regular or periodic interruptions in residency by the owner-occupant, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indicia of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), any such units shall be registered and a rental permit obtained in compliance with this bylaw.
- 2) Long-Term Tenancies & Periodic Self-Inspections. Rental units which have been leased and occupied continuously by the same tenant(s) for a period of not less than three (3) years shall require a Self-Inspection & Certification upon initial registration and thereafter at three (3) year intervals. Exceptions shall be that Self-Inspection & Certification will be required upon any change in tenants, or may be required at more frequent intervals at the discretion of the Code Official in response to complaints or other circumstances requiring a Town inspection.

c. **Complaints & Response Process.**

Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official.

Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth.

Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a rental permit to an owner does not preclude tenants' right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

d. **Access to Properties.** In accordance with Section 7. a. 1) d), the permit holder shall make a good faith effort to arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

8. **Tenant Information.** The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet provided by the Town describing key local regulations; bylaws, including those pertaining to noise, alcohol and nuisance houses; and state laws and codes applying to rental properties. As part of the Registration and Self-Certification process, the owner shall attest to understanding the provided information and the necessity of compliance with the rules and laws described, as well as distributing it to tenants.

9. **Occupancy Limits and Zoning.** The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Amherst Zoning Bylaw and State standards for fitness for habitation. The fact that a structure or use may be permitted or authorized under the Amherst Zoning Bylaw shall not exempt said structure or use from application of this bylaw or relieve or excuse compliance herewith in any way.

10. **Parking.** All existing parking and any new or expanded parking on residential rental properties within the town of Amherst shall comply with the General Requirements and Design Standards and Landscape Standards of the Parking & Access Regulations of the Amherst Zoning Bylaw.

a. **Parking Site Plan.** A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any rental permit application. Submission of an existing site plan approved under a land use (zoning) permit and which accurately represents current on-site parking shall meet the requirements of this section.

1) Basic Parking Site Plan Requirements. The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of Amherst's Zoning Bylaw, Town of Amherst GIS mapping may be used as the base for a site plan developed under this section.

a) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i) Property boundaries
- ii) Existing driveways and pedestrian walks
- iii) Dwellings and structures
- iv) All existing and proposed on-site parking spaces
- v) Existing and proposed landscaped areas
- vi) Fencing or other barriers or screening
- vii) Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.

2) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Code Official for compelling reasons of safety or design.

b. Review. Existing on-site parking and circulation shall be reviewed by the Code Official for conformance with existing zoning requirements, including but not limited to parking layout and circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

11. Fees. The Select Board or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of rental properties.

12. Enforcement.

a. Enforcement Personnel. The Town Manager is hereby authorized to designate the Principal Code Official and other Town officials empowered to enforce or otherwise take actions under this Bylaw.

b. Enforcement Options. This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Furthermore, in appropriate circumstances, a civil action may be initiated to compel compliance herewith.

c. Violations. Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offence. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense.

d. **Enforcement Procedures.** Except for cases where conditions exist which may endanger or impair the health, or safety and well-being of a person or persons occupying the premises or as may otherwise be provided for by the Massachusetts Sanitary Code, Building Code, Fire Regulations or any other state or local law or regulation, the response of Code Officials to potential violations of this Bylaw shall include one or more of the actions as deemed necessary by the Code Official. Nothing herein shall supersede, alter, or vary the requirements of those codes or the responsibilities of the officials that administer them.

- 1) Complaint Filed. Any person may file a complaint regarding one or more violations of this Bylaw.
- 2) Property Research. The Code Official shall perform a limited initial research of the property to confirm permit history, assessor's information, and other pertinent information. The Code Official may contact the alleged violator, occupant or responsible party to gather additional information. When appropriate the Code Official shall notify the Owner that a complaint has been filed against the property and that an initial site inspection is anticipated.
- 3) Site Inspection. The Code Official shall conduct a site inspection to determine the validity of the complaint and collect any relevant facts of the case.
- 4) Notice of Violation/Enforcement Order. After inspecting the site and upon confirming that a violation exists, the Code Official shall inform the responsible party or parties in writing of the violation and specify a time period within which to correct the violation. Violations may be cited pursuant to the applicable state or local code or regulation.
- 5) Follow up Inspection. Shall be conducted upon the expiration of the time specified to correct the violation.
- 6) Fines. The Code Official may elect to impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.
- 7) Suspension of Rental Permit. In instances of egregious violations and when all reasonable and practical efforts have been made by the Code Official to gain compliance at a property without result, the Principal Code Official may suspend a rental permit based upon the specific criteria provided in Section 13 of this Bylaw. The permit holder shall have the opportunity to be heard and appeal any decision of the Principal Code Official to impose a suspension in accordance with Section 14 of this Bylaw.
- 8) Court Relief. If a violator fails to comply with an Enforcement Order, the Code Official may seek a court order to remedy the violation.

13. Penalties

- a. **Fines.** Any violation of the provisions of this Bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, §21D. The fine for any

violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.

b. Suspension. Based on the standard of proof and criteria specified herein the Principal Code Official is authorized to suspend a rental permit. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. The suspension of a rental permit shall be imposed to affect only those units which are the subject of the violation(s) and enforcement action(s). Permits may be suspended if:

- 1) An Owner or their Agent has knowingly allowed or assisted in allowing violations of this Bylaw. The Code Official must collect compelling documentation through his or her investigation to substantiate this violation and support the recommendation to suspend a permit.
- 2) An Owner or their Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or their Agent have not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or their Agent in writing that the permit is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve month period – 180 days

Third Offense in a twelve month period – 3 years

c. Immediate Suspension. In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the rental permit shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.

14. Appeals of the Code Official.

The Select Board is hereby authorized to establish and appoint a Rental Appeals Board (RAB), and to promulgate regulations for its membership and the conduct of its business.

Any decision by the Code Official to suspend a permit may be challenged by the permit holder by filing an appeal to the Rental Appeals Board (RAB). All appeals must be filed within 14 days of the decision and shall be heard within 30 days of filing. All appeals shall be heard at a duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the Rental Appeals Board shall be final. Further relief of a decision by the RAB made under this Bylaw shall be reviewable in a court of competent jurisdiction.

ARTICLE 30. Zoning – Converted Dwellings Standards and Conditions (Planning Board)

To see if the Town will amend the Standards and Conditions for Section 3.3241, Converted Dwelling, by adding the language in *bold italics* to Condition #6, and removing Condition #13 [shown as ~~lined-out~~] in its entirety:

6. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Special Permit Granting Authority. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use, and shall require owner-occupancy or a ~~Resident~~ **Manager** (*see definition*) in one of the units; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance.

~~13. For any converted dwelling use in the R-G, R-VC, R-N, R-O and R-LD districts, the Special Permit Granting Authority shall require as a condition of the granting of a Special Permit the ongoing services of a qualified professional property management company, the presence of a qualified on-site resident manager, or similar provision for appropriate management of the rental use.~~

ARTICLE 31. Zoning – Mixed Use Buildings - Standards and Conditions (Planning Board)

To see if the Town will amend the Standards and Conditions for Section 3.325 of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

3.325 Building containing dwelling units
in combination with stores or other
permitted business or commercial uses

Standards and Conditions

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section.

In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the **Special** Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed: ~~1) a total GFA greater than twice the area devoted to commercial uses, or 2) a total GFA greater than six thousand (6000) square feet, or 3) six (6)~~ **ten (10)** dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, ~~there shall be~~ no dwelling units nor **any internal**

space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public dwelling units, nor portions thereof other than entries thereto as required, on the first floor. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than ten percent (10%) forty percent (40%) of the gross floor area on the first floor Gross Floor Area (GFA) shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/ elevator towers, or other purposes, the any residential uses on upper floors.

ARTICLE 32. Zoning – Mixed Use Center Dimensions (Planning Board)

To see if the Town will amend Article 6, Table 3, Dimensional Regulations and its Footnotes, and Section 6.19 of the Zoning Bylaw with respect to dimensional requirements for the Limited Business (B-L), Commercial (COM), Village Center Business (B-VC), and General Business (B-G) districts, as follows:

A1. Amend Table 3 by replacing existing dimensional requirements for the B-L and COM districts by adding the language in *bold italics*, as follows:

| | B-L/COM | |
|--|---------------------|---|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 20,000 ^b | <i>15,000^b</i> |
| Additional Lot Area/Family (sq. ft.) | 4,000 | <i>2,500^{ab}</i> |
| Basic Minimum Lot Frontage (ft.) | 125 ^b | <i>60^b</i> |
| Basic Minimum/ <i>Maximum</i> Front Setback (ft.) ^{an} | 20 | <i>10 minimum 30 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | 25 ^a | 25 ^a |
| Maximum Building Coverage (%) | 35 | 35 ^a |
| Maximum Lot Coverage (%) ^o | 70/85 ^j | 70/85 ^{aj} |
| Maximum Floors ^a | 3 | 3 |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 35 | <i>16 minimum 40 maximum</i> |

A2. Amend Table 3 Footnotes b. and n. by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood. [No amendment, included for informational purposes]
- b. Applies to Residence Uses only (Section 3.32). In the B-G, ***B-L***, B-VC, ~~and~~ B-N, ***and COM*** districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on

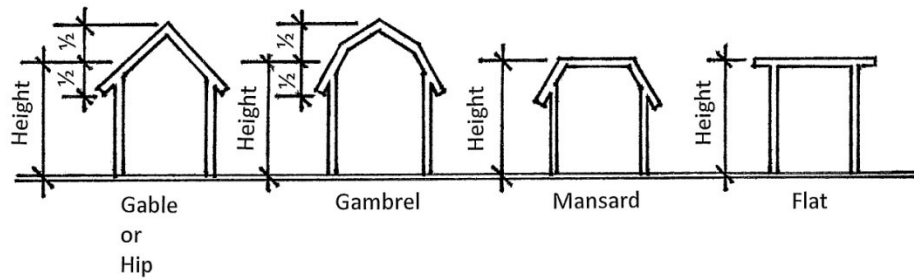
the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.

- c. Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no front setback is required. [No amendment, included for informational purposes]
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided shall be at least 10 feet. [No amendment, included for informational purposes]
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage. [No amendment, included for informational purposes]
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District. [No amendment, included for informational purposes]
- n. ***Where only a single figure is shown, it represents the minimum front setback or the maximum height, as applicable.*** See Section 6.19 for interpretation.
- o. See Section 6.18. [No amendment, included for informational purposes]

A3. Amend Section 6.19 by deleting the ~~lined-out~~ language, adding the language in *bold italics*, and adding a new graphic illustration for building height, as follows:

6.19 *Minimum and* Maximum Height

In all districts, ~~the~~ the *minimum or* maximum height of a building shall be measured *as the vertical distance* from the ~~highest point of any roof or parapet~~ to the average finished grade on the street side of the structure *to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height (midpoint) between the highest eaves and ridge of the main body of the roof for gable, hip, shed, saltbox, and gambrel roofs, or combinations thereof.*



Section 6.19 – Building Height

In the B-G, B-L, B-VC, B-N, COM, and R-VC districts, the maximum height of buildings may be modified under a Special Permit granted by the Special Permit Granting Authority authorized to act under the provisions of this bylaw for compelling reasons of building function, utility, or design, including but not limited to allowing construction of the full number of maximum floors under difficult site conditions such as steep grades, or with a pitched roof design, or similar conditions. In granting any such modification, the Special Permit Granting Authority shall consider the patterns of height and roof styles established by existing buildings, structures, and landscape features in the surrounding area, and provided that in no case shall the height of any exterior face of a building exceed the permitted height by more than ten (10) feet.

Height limitations shall not apply to chimneys, spires, cupolas, TV antennae and other parts of buildings or structures not intended for human occupancy. Towers, antennae, panels, dishes and other such structures attached to a building in association with commercial and public wireless communication uses shall not exceed the maximum height of said building, as above defined, by more than ten feet. Related electronic equipment and equipment structures shall not exceed the maximum height. For towers and other such free-standing structures associated with wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.

B. Amend Table 3, including replacement of existing dimensional requirements for the B-VC District as shown in *bold italics*:

| | B-VC | |
|--|------------------------|--|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 15,000 ^b | <i>12,000^b</i> |
| Additional Lot Area/Family (sq. ft.) | 2,500 ^{ab} | 2,500 ^{ab} |
| Basic Minimum Lot Frontage (ft.) | 100 ^b | <i>60^b</i> |
| Basic Minimum/ <i>Maximum</i> Front Setback (ft.) ^{an} | 10 ^a | <i>10 minimum</i> <i>20 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | 25 ^a | <i>10^a</i> |
| Maximum Building Coverage (%) | 35 | 35 ^a |
| Maximum Lot Coverage (%) ^o | 65 ^a | 65 ^a |
| Maximum Floors ^a | 3 | 3 |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 40 | <i>16 minimum</i> <i>40maximum</i> |

Amend Table 3, including replacement of existing dimensional requirements for the B-G District as shown in *bold italics*:

| | B-G | |
|---|------------------------|---|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 12,000 ^b | 12,000 ^b |
| Additional Lot Area/Family (sq. ft.) | 1,250 ^{ab} | 1,250 ^{ab} |
| Basic Minimum Lot Frontage (ft.) | 100 ^b | <i>40^b</i> |
| Basic Minimum/Maximum Front Setback (ft.) ^{an} | 20 ^c | <i>0 minimum</i> <i>20 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | e | <i>10^{ae}</i> |
| Maximum Building Coverage (%) | 70 ^a | 70 ^a |
| Maximum Lot Coverage (%) ^o | 95 ^a | 95 ^a |
| Maximum Floors ^a | 4 | <i>5</i> |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 50 | <i>55</i> |

ARTICLE 33. Zoning – Non-Conforming Uses and Structures (Planning Board)

To see if the Town will vote to amend Section 9.2, Non-Conforming Uses and Structures, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 9.20 by adding new Sections 9.201 and 9.202, as follows:

9.20 Any lawful building or structure, or use of a building, structure or land, existing at the time of adoption of this Bylaw or any amendment thereto which does not conform to the regulations thereof may be continued. However, except as hereinafter set forth, a non-conforming building or structure shall not be structurally altered, enlarged, nor reconstructed so as to increase its non-conformity under this bylaw. ***For the purposes of this section, a structural alteration shall be any change to the exterior of a building or other structure which involves alteration, relocation, enlargement, or reconstruction of walls or other significant elements of the building or structure.***

9.200 Under Section 11.1, the Building Commissioner may permit the repair, alteration, reconstruction, extension or structural ~~change~~ ***alteration*** of a lawful, dimensionally non-conforming single family or two family dwelling ***in any zoning district or a lawful, dimensionally non-conforming building in the B-G, B-VC, B-N, B-L or COM districts, or in either circumstance,*** a portion thereof, or accessory structures thereto, provided the proposed change does not constitute a change of use under this Bylaw, and at least one of the following conditions is met:

9.2000 In the case of a building non-conforming solely because of insufficient lot frontage or lot area, or both, the proposed change shall meet all dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors and maximum height.

9.2001 In the case of a dimensionally non-conforming building with sufficient lot frontage and lot area, where said building, or a portion thereof, is non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

9.2002 In the case of a building non-conforming as to lot frontage and/or lot area, and nonconforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

9.201 Where a new or expanded existing conforming use is proposed in an existing lawful dimensionally non-conforming building, and no exterior alteration, reconstruction, extension or structural alteration will occur, the permit requirements of Section 3.3 shall apply but no additional Special Permit under Section 9.22 shall be required for the proposed use.

Amend Section 9.22, as follows:

9.22 The ~~Board of Appeals may authorize~~ ***Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may***, under a Special Permit, ~~allow~~ a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said ~~Board~~ ***Authority*** may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that ***the Authority finds that*** such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building.

ARTICLE 34. Zoning – R-F District Dimensions (Planning Board)

To see if the Town will amend Table 3, Dimensional Regulations, by adding Footnote a. to the following dimensions in the Fraternity Residence (R-F) District:

| | <u>R-F</u> | |
|--|-------------------|---|
| Basic Minimum Lot Area (sq. ft.) ^h | 40,000 | |
| Additional Lot Area/Family (sq. ft.) | ----- | |
| Basic Minimum Lot Frontage (ft.) | 150 | |
| Basic Minimum Front Setback (ft.) ^a | 25 | |
| Basic Minimum Side and Rear Yards (ft.) ^g | 20 | |
| Maximum Building Coverage (%) | 20 ^a | ← |
| Maximum Lot Coverage (%) ^o | 45 ^a | ← |
| Maximum Floors ^a | 3 | |
| Maximum Height (ft.) ⁿ | 40 ^a | ← |

[Included for informational purposes]

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.

ARTICLE 35. Zoning – Locational Requirements for Non-Conforming Structures in Mixed Use Centers (Planning Board)

To see if the Town will amend Article 9, Non-Conforming Lots, Uses and Structures, by adding the following new Section 9.3:

SECTION 9.3 LOCATIONAL REQUIREMENTS IN MIXED USE CENTERS

9.30 Purpose

The purpose of this section is to establish regulations for the location of new additions or enlargements to non-conforming uses and structures, or the creation of separate buildings on the same lot as non-conforming uses and structures in the B-G, B-L, B-VC, B-N and COM Districts. These regulations are intended to promote sound design, enhance the creation of pedestrian-friendly streetscapes and spaces, and foster more functional and successful mixed use properties. Where the provisions of this section conflict with Section 9.1 and 9.2 of this Article, this section shall apply and prevail.

9.31 Non-conforming Structures

- 9.310 Enlargements, Repairs, or Alterations – Non-conforming structures may be permitted to be enlarged, extended, reconstructed, repaired or altered by the Permit Granting Board or Special Permit Granting Authority in conformance with the provisions of Section 9.2 provided, however, that any such enlargement, extension, reconstruction, repair or alteration shall conform to the locational regulations established herein.
- 9.311 Permitted Additions – Where a non-conforming structure is being expanded under Section 9.310, the addition shall abide by the following requirements:
- 9.3110 Front and Rear Additions – Any addition in front of an existing building shall be placed such that its front façade is set at or within the front setback area established by the minimum and maximum front setback. Rear additions may only be undertaken simultaneously with front or side additions, and only where the rear extension is not increasing the degree of existing nonconformity.
- 9.3111 Side Additions for Buildings Located Within the Front Setback Area – For an existing building located at the front setback, any side addition shall also be located at or within the front setback area.
- 9.3112 Side Additions for Buildings Located Outside of the Front Setback Area – For an existing building located at the rear edge or behind the front setback area, any side addition shall be extended forward such that its front façade is located at or within the front setback area.
- 9.312 Permitted New Buildings – The front facades of all separate new buildings being constructed on a site with an existing non-conforming structure shall be located at or within the front setback area.
- 9.313 Modification or Waiver – Any provision of this section may be modified or waived by the Special Permit Granting Authority authorized to act under the applicable section of this Bylaw for compelling reasons of safety, aesthetics, sustainable site design, or historic or environmental preservation needs which serve the purposes of this section.

ARTICLE 36. Zoning Petition – Amend Official Zoning Map to Change Zoning Designation on Parcels 14B-250 and 14B-251 from (R-G) to (B-N) (Guidera et al)

To see if the Town will amend the Official Zoning Map to change the zoning designation on Assessor's parcels 14B-250 and 14B-251 from General Residence (R-G) to Neighborhood Business (B-N).

ARTICLE 37. Petition – PVTa Funding (Berg et al)

We, the undersigned people, who are Amherst voters, petition the said Town of Amherst to provide annual funding of 30 thousand dollars to the Pioneer Valley Transit Authority in order to add a spur to the existing PVTa/UMass Sunderland/South Amherst bus route #31 to service the new Amherst Survival Center on a regular basis as was the case with the previous ASC location, to provide much-needed transportation to the elderly, disabled and poverty stricken families and individuals who have neither the ability to traverse the one-third (1/3) mile from the existing stop on North Pleasant at the Congregational Church intersection nor make the return one-third mile walk back to that bus stop. This allocation should include a sheltered bus stop structure with adequate seating, lighting and an emergency call box.

ARTICLE 38. Petition – CAN Residential Rental (Bloom et al)

Whereas the Town Manager and Chair of the Select Board assured the Fall 2012 Special Town Meeting that they would bring a Rental Permit to Spring 2013 Annual Town Meeting;

- Whereas the Town Manager established a Safe and Healthy Neighborhoods Working Group to draft residential rental property registration and permitting system for the consideration of the Spring 2013 Annual Town Meeting;
- Whereas the Coalition of Amherst Neighborhoods (CAN) has worked closely with SHNWG on rental property regulation and rental permit proposals that CAN supports;
- Whereas SHNWG had not completed its work by the due date for Spring 2013 Annual Town Meeting Citizen Petitions of March 11, 2013;
- Whereas there are elements in a Rental Permit that SHNWG may not include in its article for annual Spring Town Meeting but that CAN strongly endorses;

Therefore: This citizen petition article draws upon the outline of the SHNWG Residential Rental Property Regulations article (as of its March 1, 2013 draft) and incorporates additional elements of importance to CAN.

To see if the town will vote to add the following Residential Rental Permit Bylaw to the General Bylaws of the Town of Amherst, Massachusetts.

The effective date of these regulations shall be ____, 2013.

1. Purpose

These regulations are adopted in accordance with the Town of Amherst's Home Rule Authority and the Amherst Master Plan, in furtherance of the following public purposes:

- a. To protect the health, safety, and welfare of residents and property owners of the Town of Amherst by extending and expanding compliance with basic quality of life, safety, and sanitary codes through the registration and permitting of residential rental properties.
- b. To ensure the safe and sanitary conditions and maintenance of residential structures and premises in the town, as stipulated herein.
- c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend

awareness of Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.

- d. To establish and assign responsibility for different aspects of rental housing management.
- e. To help ensure a diverse supply of affordable housing for Amherst residents.
- f. To ensure requirements for the use and maintenance of rental residential properties and premises, including occupancy limits, and compliance with Amherst Bylaws, as established herein.
- g. To stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all residents, including families, owners and tenants consistent with Amherst's long history as a college community.

2. Permit Required for Non-Owner Occupied Rentals

For non-owner occupied rental properties in the Town of Amherst, an annual rental permit issued by the code officer is required prior to a person, firm, trust, partnership, corporation or other legal entity letting, renting, leasing, sub-leasing or otherwise allowing the occupancy of a dwelling unit or units, or portions thereof, with exemptions noted below:

- a. Hotels, motels, inns, hostels, or bed and breakfasts as defined in the Amherst Zoning Bylaw.
- b. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts and in accordance with state or federal law.
- c. Special Circumstances. Dwelling units on properties containing no more than two (2) units may be rented without requirement of a rental permit for a period not to exceed one (1) calendar year under the following special circumstances:
 - i) During the pending sale of a residential property, or
 - ii) In response to regular or periodic interruptions in residency, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, United States Military obligations or other temporary reasons for absence which do not affect basic indices of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), a rental permit shall be required in compliance with these regulations.

3. Definitions

Definitions of terms used in these rental permit regulations can be found in Appendix B.

4. Permitting Application Process and Requirements:

- a. Rental Permit Applications for non-owner occupied rental units (with exemptions described above in Section 2) shall be made on forms provided by the Town, with such information as the designated code official shall deem reasonable and appropriate.
- b. Information Posted. A permit shall be prominently posted on the rental property containing the following information: Location of said rental property, contact information for owner or designated agent, maximum occupancy and phone number for code enforcement officer.
- c. Renewal of Rental Permit. Rental permits shall be valid for a period of one year from the date of initial permit issuance. Rental permits may be renewed annually in accordance with appropriate rules and regulations noted herein.
- d. Transferability of Rental Permit. Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use abides by the provisions of the permit. The new owner or designated agent of the rental property is required to notify the code official of acquisition of the property within 14 days of the sale of the property and to submit for review and approval any proposed changes in the provisions of the permit.
- e. Limits of Town liability. The issuance of a rental permit shall in no way imply liability or responsibility on the part of the Town of Amherst for any claim, injury, damages, costs or expenses that may arise in connection with the use or occupancy of the subject premises.

5. Self-Inspection & Self-Certification

Owners of rental property governed by these regulations shall self-inspect and certify their properties as required under this section and as described in Appendices C and D. Nothing in the Self-Certification program shall limit the Town's authority or the discretion of the code official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under these regulations in a manner consistent with the laws of the Commonwealth.

- a. An owner or designated agent shall conduct an annual inspection of the property using a Self-Certification Checklist to be included as part of the rental permit application on a form provided by the Town as described in Appendix D. The owner or designated agent shall sign the Checklist indicating, under penalty of perjury, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their initial application for a permit or annual renewal of the permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of these regulations.

- b. Subsidized Housing. Where residential rental units are regularly inspected under requirements of the state or federal government, no additional Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.
- c. Leases or other tenant information. Copies of current, active leases or other record of tenant information for the subject property or units shall be kept on file with the owner or designated agent and shall be made available to the code official within 48 hours of any request.

6. Complaints & Response Process:

- a. Upon receipt of a complaint or notice alleging that the condition of a rental unit or property is in violation of any law or regulation or town bylaw, or that tenants are thus in violation, the code official upon determination that the complaint is reasonable shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be scheduled by the code official.
- b. Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes.
- c. Access to Properties. The owner or designated agent, or the Town code official, upon receipt of a complaint ascertained to be reasonable, can gain access to a rental unit or property for purposes of inspection, in accordance with Massachusetts General Law (Appendix E). The permit holder shall, as part of the Self-Certification process, arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request. A provision such that tenants agree to provide such access shall be a feature of any lease for a rental unit or property permitted under these regulations and in accordance with Massachusetts General Law. Where no lease is used, the owner(s) or their lawful representatives shall provide written documentation indicating that they have made tenants aware that access upon complaint is a condition of rental in the Town of Amherst.

7. Tenant Information

The owner shall be required to distribute annually to tenants and to each new tenant, an information sheet provided by the Town that describes Town bylaws that pertain to occupancy, parking, noise and nuisance, and state laws and codes applying to rental properties. A copy of this information sheet with proof of its delivery shall be made available to any tenant or code official upon request.

8. Occupancy Limits

The maximum number of adult persons who may occupy a dwelling unit or rooming

unit shall be as determined by the requirements of the Amherst Zoning Bylaw.

9. Parking

All parking on residential rental properties within the town of Amherst shall comply with Amherst bylaws.

10. Fees

Fees will be structured so that the Rental Permit system remains revenue neutral. In the first year of implementation for the Rental Permit system, this fee shall be set at \$50 per dwelling unit. The Select Board or its designee may revise fees in keeping with revenue neutrality.

11. Enforcement of the Rental Permit system

- a. Enforcement Personnel. The Town Manager is hereby authorized to designate the principal code official and other Town officials to enforce or otherwise take actions under this article. The code official or designee shall respond to complaints and upon discovery of violations of Amherst bylaws, seek voluntary compliance on the part of the owner or designated agent.
- b. Violations. Non-compliance with any requirement of these regulations shall constitute a violation subject to penalty as described in Appendix F. Every day in which a violation continues shall be considered a separate offence. If more than one violation has occurred, each condition of the regulations that has been violated shall be considered a separate offense. The following shall constitute violations of these regulations:
 - i) Rental of premises requiring a rental permit, as described in Sections 3 and 4 above, without a valid rental permit in accordance with these regulations.
 - ii) Failure to comply with the provisions of Section 6 c) with regard to facilitating access for inspections.
 - iii) Failure to comply voluntarily within the specified time to any valid order to remedy violations of the building or health codes, or any other provisions of these regulations.
 - iv) Failure to comply with any of the conditions affirmed during the Self-Certification process.
 - v) Failure to pay any fees or fines associated with violation of these regulations.
 - vi) Any other violation of the requirements of these regulations.
- c. Fines, Suspensions, and Non-Renewal of Permit. Described in Appendix E.

Appendix A: Enabling State and Local Regulations

All inspections, enforcement, and other actions taken under these regulations are authorized under the following, as may subsequently be amended:

a. Local Regulations. All applicable local regulations, including but not limited to:

Town of Amherst General Bylaws
Amherst Zoning Bylaw
Amherst Board of Health Regulations

b. State Law. All applicable Massachusetts General Laws, including but not limited to:

MGL Chapter 40A (Zoning)
MGL Chapter 143 (Inspection & Regulation)
MGL Chapter 148 (Fire Prevention)
MGL Chapter 186 (Access to Rental Units)

c. State Regulations. All applicable Commonwealth of Massachusetts Regulations (CMR), including but not limited to:

780 CMR (State Building Code and all referenced national and international codes)

105 CMR 410 (State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation)
310 CMR 7.10 (Department of Environmental Protection, Air Pollution Control, Noise)
527 CMR (Board of Fire Prevention Regulations)
521 CMR (Architectural Access Board Regulations)
940 CMR 3.17 (Attorney General's Regulation)

Appendix B: Definitions

Under these regulations, the following terms have the meanings indicated:

[For definitions of *Building*, *Blighted*, *Dilapidated*, *Interested Parties*, *Nuisance Property*, *Lodging or Boarding House*, *Rooming Unit*, *Structure*, refer to definitions in the Amherst Zoning Bylaw. For definitions of *Noise or Nuisance*, refer to definitions in Amherst Bylaws]

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Amherst, or designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of these regulations.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended for use by one or more persons or one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a residential condominium unit.

Emergency – in addition to those events involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property, an emergency shall also be understood to represent any violation of any health or safety code, regulation, or law enforceable by a code official.

Hazard - means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

Occupant – means a person who owns and occupies real property, or who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner – means every person who alone or jointly or severally with others:

1. has legal title to any building, structure, or property to this bylaw, or;
2. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or is a lessee under written agreement; or is the mortgagee in possession; or is the recognized agent, trustee or other person appointed by the courts.

Owner-Occupant(s) – One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

Person – means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

Premises – means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

Principal Residence - means the primary residence of an individual, family (as defined in this Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, U.S. Military obligations or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the code official based upon a preponderance of evidence, including but not limited to the following indices of residency and address, as

applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

Rooming Unit – means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

Appendix C: Information Required as Part of a Rental Permit Application

- 1) **Contact Information & Responsible Parties.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person (s). In all cases where the rental property owner(s) does not have their principal residence in the town of Amherst, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Amherst to serve as the designated agent for the owner, authorized to act on the owner's behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a designated agent shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the code official in writing of any change of designated agent within five days of any such change.
- 2) **Compliance through Self-Certification.** Evidence of current compliance with all applicable local zoning bylaws and regulations, including state health, fire and building codes as well as noise and nuisance bylaws, shall be provided through submission of an Owner's Self- Certification Checklist provided by the Town, described in Appendix D.
- 3) **Agreement that leases or other tenant identification information** will be provided to code officials upon request in response to complaints.
- 4) **Agreement that permit information**, including location, maximum occupancy, name and contact information of owner or designated agent, and phone number for the Code Enforcement Official, will be prominently posted on the property.
- 5) **Agreement that tenants will be informed** in writing of Town of Amherst occupancy, parking, noise and nuisance bylaws and that they will be asked to agree, in writing, that they and their guests will comply with Amherst bylaws.
- 6) **Access:** A provision by which tenants agree to provide such access for authorized code enforcement officials to inspect the premises upon receipt of a complaint, shall be a feature of any lease for a rental unit or property permitted under these regulations, in accordance with Massachusetts General Law Chapter 186 Section 15B (quoted in Appendix E.) Where no lease is used, the owner or designated agent shall provide documentation demonstrating that tenants have agreed to such inspection of the rental unit or property in accordance with MA General Law.

- 7) **Payment of rental permit fee** as established in Amherst bylaws and by the Select Board.
- 8) **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of these rental permit regulations for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.

Appendix D: Self-Certification Checklist

This checklist is in accordance with Town of Amherst Rental Regulations and is required to obtain a Rental Permit. Self-Certification constitutes affirmation by the property owner as to the condition of the rental property and unit(s) to be certified and other conditions stated below being met, as of the self-inspection date. This document consists of two (2) pages.

PROPERTY INFORMATION

Property Address: _____

No. of Units Certified: _____

Property Owner: _____

Property Owner Address: _____

If Property Owner is a Business Corporation and/or LLC please include name and address of the *Resident Agent* on file with the Commonwealth of Massachusetts Corporations Division:

Resident Agent of Company: _____

Name

Address

Management Company (if any): _____

Contact Information for a *Responsible Contact Person* or *Qualified Resident Manager*, if either pertains:

Name

Address

Phone

email

24 Hour Emergency Contact #: _____

SELF-INSPECTION INFORMATION

Date of Inspection --- _____ Inspector _____

1. Zoning: I hereby affirm that the property is in compliance with all current requirements of the Amherst Zoning Bylaw with regard to the residential rental use and any required site or parking plans.

Maximum Residential Occupancy _____ Maximum Number of Vehicles _____

☐ No changes have been made to previously approved parking plan, including exterior lighting.

2. Safe & Healthy: I hereby affirm that the following aspects of the building(s) and site are in compliance with Massachusetts Sanitary, Building and Fire Codes, and the Town of Amherst's Residential Rental Regulations.

Exterior Conditions:

- | | |
|---|--|
| <input type="checkbox"/> Adequate snow/ice removal arrangements | <input type="checkbox"/> Sufficient site & building lighting |
| <input type="checkbox"/> Trash/recycling management | <input type="checkbox"/> Abandoned vehicles |
| <input type="checkbox"/> Building envelope secure & weather-tight | <input type="checkbox"/> Grounds upkeep |
| <input type="checkbox"/> Building exterior in good repair | <input type="checkbox"/> Upholstered furniture |

Life Safety Systems: The following are present and properly functioning:

- | | |
|---|---|
| <input type="checkbox"/> Means of egress | <input type="checkbox"/> Emergency lighting (if required) |
| <input type="checkbox"/> Smoke/CO detectors | <input type="checkbox"/> Fire Extinguishers |

Healthy Living Conditions:

- | | | |
|---|--|--|
| <input type="checkbox"/> Secure building & rooms | <input type="checkbox"/> Sufficient natural light | <input type="checkbox"/> Sound buffered |
| <input type="checkbox"/> General cleanliness | <input type="checkbox"/> All fixtures present & in good repair | <input type="checkbox"/> Pest/vermin-free |
| <input type="checkbox"/> Ventilation/air exchange | <input type="checkbox"/> Accessibility-compliant | <input type="checkbox"/> No active hazards |

3. Noise and Nuisance: I hereby affirm that I have informed my tenants in writing of the Town of Amherst occupancy, parking, noise and nuisance bylaws. The tenants have affirmed in writing that they understand these Bylaws and the penalties imposed for violation and have agreed in writing that they and their guests will comply with them.

In signing this Checklist, I hereby affirm under penalty of perjury the assertions of facts contained herein as of the date of inspection.

Name: _____ Title _____
(Please Print)

Signature: _____ Date _____

Appendix E: Enforcement Procedures and Related Penalties

The following Standard Enforcement Procedures will be followed by the Code Official upon receipt of a complaint concerning a violation of Amherst bylaws:

1. Property Research
2. Site Inspection
3. Notice of Violation and Request for Voluntary Compliance
4. Follow up Inspection based upon Voluntary Compliance
5. Enforcement Order if Voluntary Compliance is not achieved or successful
6. Fines
7. Non-renewal of rental permit or suspension of rental permit, as described below
8. Court Action

Steps 1 and 2, as listed above, will be triggered by the Code Officer's receipt of a complaint or other evidence of an Amherst bylaw violation. Upon evidence of such a violation, the Code officer works with the owner or designated agent to achieve voluntary compliance, as noted in steps 3 and 4 above. Enforcement measures are put in place in cases whereby voluntary compliance is not achieved.

Fines. Fines may be issued for non-compliance with an enforcement order. The code official may grant a continuance when there is evidence that a good faith effort is being made to come into compliance.

- Non-Criminal Disposition - \$100 for each offense
- Fire Regulations – As specified in 527 CMR 1.07, as amended (\$100 - \$1,000, depending on the offense).
- Building Code/Sanitary Code – Assessed by the court

Suspension of Rental Permit. The Code Official may suspend a rental permit if one or more of the following serious violations are found during the Standard Enforcement Procedures noted above:

- Health Official finds conditions deemed to endanger or impair health or safety as defined by the Massachusetts Sanitary Code.
- A structure is deemed unsafe by the Building Official as defined by the Massachusetts Building Code.
- The Code Official finds that the owner or designated agent knowingly allowed or assisted in allowing violations of the Amherst bylaws.
- The Code Official finds that the owner or designated agent has not reasonably addressed violations of Amherst Noise or Nuisance Bylaws that have resulted in three or more documented complaints against the property in question.
- The owner or designated agent repeatedly refuses or neglects to comply with an order of the Code Official.

| | |
|--------------------------------------|--------------------|
| First Offense: | 90 day suspension |
| Second Offense in a 12 month period: | 180 day suspension |
| Third Offense in a 12 month period: | 3 year suspension |

Non-Renewal of Rental Permit. The Code Official shall refuse annual renewal of a rental permit if one or more of the violations noted above have not been remedied by the owner or a responsible person or manager, or if in the judgment of the Code Officer, reasonable measures have not been taken to create remedies.

Appeals. The owner may appeal the decision of the Code Official to suspend to the Select Board or a local appeals authority appointed by the Select Board. Appeals must be filed within 14 days of the decision and will be heard within 30 days of filing. Any further appeal is to court.

Tenants. The Code Official or owner shall make arrangements for tenants to live out their lease or find other lodging if the tenants are found harmless with reference to the violations that have led to the suspension or non-renewal of a rental permit affecting their residency. In such cases of non-renewal or suspension of a rental permit, the Code Official will make arrangements to hold any rents in escrow pending the renewal of a permit.

ARTICLE 39. Petition – Nuisance House Bylaw Amendment (Perot et al)

Given that errors were made in the 2012 Fall Town Meeting by:

- a) omitting a section that was intended to be deleted,
- b) including fire and ambulance in the response costs which is impractical,
- c) minor clerical errors and additions to increase clarity.

the following corrections are recommended to the bylaw.

VOTED to amend the General Bylaws Nuisance House by adding the language in **bold face** and deleting the ~~underlined~~ **strike through** language as follows:

Purpose

In accordance with the Town of Amherst's Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners, rental property managers and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§ 1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage **that** contains one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any commercial or business property.

Property owner means the legal owner of record as listed by the tax assessor's records.

Public Nuisance means a gathering of persons on any premises in a manner **that** constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter.

Response costs are the costs associated with responses by law enforcement. ~~fire and other emergency response providers~~ to a gathering as set forth in a schedule of costs established by the Board of Selectmen.

Rental property Manager or Management organization. Any person or organization acting on behalf of a rental housing owner or owners to screen and place tenants, collect rent, security deposits and other fees, maintain and secure rental housing property, or any or all of the above.

§2. Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

- (a) consume at any public place or any place open to the public any alcoholic beverage; or
- (b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her parent or legal guardian.

§3. Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event where Underage Persons Consuming Alcoholic Beverages Prohibited

- a. It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering.

Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that underage persons do not consume alcoholic beverages while at the gathering; and supervising the activities of underage persons at the gathering.

- b. A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.
- c. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person.
- d. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian as set forth in G.L. c.138, §34.
- e. This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed by the Town Manager's office to any property owner listed on the Town of Amherst property tax assessment records and the rental housing manager or management organization, advising them that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner and rental housing manager or management organization for all penalties associated with such response **costs** as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises, the following persons shall be jointly and severally liable for fines as set forth below. Response costs shall also be assessed **but not collected until the 3rd violation**.

- a. The person or persons residing on or otherwise in control of the property where such gathering took place.
- b. All persons attending such gathering constituting a Public Nuisance.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than twice in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs shall also be ~~assessed~~**collected for this and the previous two violations.**

- a. The person or persons who own and/or manage the property where the gathering constituting the public nuisance took place provided that notice of the first and second responses have been mailed to the owner of the property as set forth herein and the gathering occurs at least ~~14~~ **10** days after the mailing of the second such notice. ~~The owner of the property shall not be held responsible for any violations or penalties if they are actively trying to evict the offending tenants from the property.~~
- b. The person or persons who organized or sponsored such gathering.

§7 Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

The Town of Amherst shall additionally seek administrative costs and response costs associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§8. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.

ARTICLE 40. Petition – Rental Housing Information (O’Connor et al)

To see if the Town will vote to amend the Town’s General Bylaws to include the following “Rental Housing Information Bylaw”:

- a. By August 1 of every year, a Town official designated by the Town Manger shall post on the Town website accessible via a prominent location on the front page of that website lagged

“Rental Housing Regulations” an updated electronic version of the pamphlet “Your Rights and Responsibilities as a Landlord or Tenant in the Town of Amherst, Massachusetts” along with such other housing information, town bylaws and regulations as the Select Board, the Town Manager and other Town officials working together shall deem appropriate;

b. Between September 10th and 20th of every year, the Town shall mail to every landlord, rental property management company and tenant household within or doing business in the Town a brief summary of the pamphlet “Your Rights and Responsibilities as a Landlord or Tenant in the Town of Amherst, Massachusetts” and of such other Town bylaws and rental housing regulations as the Select Board, the Town Manager and other Town officials working together shall deem appropriate which shall include prominently placed directions to the “Rental Housing Regulations” location on the Town website;

c. The Select Board, the Town Manager and other Town officials working together shall diligently endeavor to persuade the administration of the University of Massachusetts to email every Saturday to each and every student living off-campus in the Town of Amherst an electronic version of the material prepared pursuant to section “B” of this bylaw.

ARTICLE 41. Petition – Residential Parking (O’Connor et al)

To see if the Town will vote to amend the General Bylaws by adding the following:

Residential Parking

Existing Residential Parking. Parking in the front setback shall be limited to paved or surfaced areas and no parking shall be permitted on lawn areas or other unpaved or unsurfaced landscaped areas as part of the use of any residential property within the Town of Amherst. Waivers or modifications of these requirements, both permanent and temporary, may, for compelling reasons, be granted pursuant to a written request from the property owners by a code enforcement official designated by the Town Manager, which official may take into account site limitations, existing or proposed screening, previous owner-occupancy use, etc.;

Residential Rental Property. All leases and agreements for the use of rental property within the Town of Amherst shall contain clauses limiting parking as set forth above and providing penalties for violations. Owners or managers of rental properties shall maintain rosters of tenant vehicles authorized to be garaged at each separate rental property, house or apartment complex and shall make such rosters immediately available to police, fire or other Town officials upon request;

New or Expanded Parking. Any new or expanded parking shall comply with the Design Standards and Landscape Standards of the Amherst Zoning Bylaw;

Violations and Enforcement. Non-compliance with these regulations shall be considered a violation, the penalty for each violation shall be \$100 and each day a violation continues shall be considered a separate offense. This bylaw shall be enforced by criminal complaint in the court of competent jurisdiction, or as an alternative violators may be issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D.

ARTICLE 42. Petition - Affordability Restriction Echo Hill Apartments (Boutilier et al)

To see if the Town will vote (1) to acquire from Echo Gatehouse Partners, LLC or their successors by eminent domain, purchase, gift or otherwise in fee simple, as an affordability restriction or otherwise the land and improvements of Block 2, Parcel 21 of Map 18A of the Town Cadastre, known as the Echo Hill Apartments, located at 24-30 Gatehouse Road and comprising 24 housing units of 30,102 square feet on 0.37 acres more or less, for community/affordable housing and other municipal purposes and to fund such acquisition appropriate \$3,000,000 subject to the receipt of grants, gifts and bequests equivalent to 85% of such appropriation, and to determine whether to meet such appropriation by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Federal Government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants; and, (2) to authorize the Select Board to convey said land and improvements or interest therein to the Amherst Housing Authority or other non-profit affordable housing management organization in accordance with the applicable provisions of Massachusetts General Laws.

ARTICLE 43. Petition - Purchase Conservation Restriction Parcels 84, 91 & 96 of Map 5A (Burke et al)

To see if the Town will vote: (1) to acquire from W.D. Cows, Inc. or their successors by eminent domain, purchase, gift or otherwise in fee simple, as a conservation restriction, easement or other interest therein Parcels 84, 91 and 96 of Map 5A of the Town Cadastre, located between Flat Hills Road, Henry Street and Market Hill Road and comprising 5.3, 147.59 and 0.60 acres respectively or 153.49 acres more or less, for conservation and agricultural preservation purposes and to fund such acquisition appropriate \$1,200,000 subject to receipt of grants, gifts and bequests equivalent to 70% of such appropriation and to determine whether to meet such appropriation by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Federal Government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants; and (2) to authorize said land or interest in land to be managed and controlled by the Conservation Commission in accordance with Massachusetts General Laws, Chapter 40, Section 8-C.

ARTICLE 44. Petition - Local Voting Rights for Legal-permanent Resident Non-citizens (Morales et al)

To see if the Town will vote to authorize the Select Board to file with the legislature a request for a special act entitled, "An Act authorizing local voting rights for legal permanent resident non-citizens residing in Amherst," as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, legal permanent resident non-citizens eighteen years or older who reside in Amherst may, upon application, have their name entered on a list of voters established by the Town Clerk for the Town of Amherst and may thereafter vote in any election for local offices or local ballot questions.

Section 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon legal permanent resident non-citizens the right to vote for any state or federal office or any state or federal ballot question.

ARTICLE 45. Petition - Equitable Distribution of Social Service Funding (Greeney et al)

To see if the Town Meeting would appropriate up to \$90,000 to fund the social service projects which were submitted to the Town and might not receive funding during the Amherst 2013 CDBG transitional period. Not to exceed the individual amount request, Town Meeting shall distribute the appropriation equitably among these projects. The Projects can be reviewed on the Town's Website: <http://www.amherstma.gov/index.aspx?NID=1731>

- Education for Career Coaching for Immigrants (Center for New Americans);
- Emergency Funds for Resource Caseworker (Family Outreach of Amherst);
- Flexible Emergency Funds (Town of Amherst);
- Food Pantry (Amherst Survival Center);
- Housing and Stabilization Project (Amherst Community Connections);
- Mentoring Program (Big Brothers and Big Sisters of Hampshire County);
- Passport to Success; GED to Jobs Program (The Literacy Project); and
- Rental Assistance for Intermediate Living (Town of Amherst).

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

| | | | |
|---------|---------------------------|----------|-------------------------|
| Prec. 1 | North Amherst Post Office | Prec. 6 | Fort River School |
| Prec. 2 | North Fire Station | Prec. 7 | Crocker Farm School |
| Prec. 3 | Immanuel Lutheran Church | Prec. 8 | Munson Memorial Library |
| Prec. 4 | Amherst Post Office | Prec. 9 | Wildwood School |
| Prec. 5 | Town Hall | Prec. 10 | Campus Center, UMass |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands on this 8th day of April, 2013.

Stephanie J. O'Keeffe
James J. Wald
Diana B. Stein
Alisa V. Brewer
Select Board

April 9, 2013

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Jesus E. Arocho
Constable, Town of Amherst

RESULTS
ANNUAL TOWN MEETING
May 6, 8, 13, 15, 20, 22, 29, June 3, and 10, 2013

The meeting was televised by Amherst Community Television and shown on the government channel.

There were 253 town meeting members. 127 checked in and a quorum was declared. The 255th Annual Town Meeting was called to order by the Moderator, James W. Pistrang at 7:15 p.m. The call and return of the warrant was read by Town Clerk, Sandra J. Burgess.

Newly elected and re-elected town meeting members were sworn to the faithful performance of their duties by the Moderator.

The Moderator congratulated those elected and re-elected to town wide office.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away since the last town meeting. Freda Mae DePillis, Stanley Durnakowski, Dr. Jonathan Benjamin Greenberg, Irving Howards, Allen Torrey, Edith Lewis Wilkinson, Robert F. Winne, and David William Yaukey were all recognized for their service to the town.

Select Board member Diana Stein was recognized by the Moderator for a statement.

Ms. Stein thanked the dedicated volunteers who serve the town on boards, committees, and commissions. Ms. Stein said the Select Board would begin making appointments to fill vacancies in June and encouraged people who were interested to submit a Citizens Activity Form.

The Moderator recognized Ms. Stephanie O’Keeffe for procedural motions.

Town Meeting voted to hear Article 26 on Wednesday May 15, 2013 at 7:05 p.m.
Town Meeting voted to hear Articles 10 and 11 on Wednesday May 15, 2013 at 7:06 p.m.
Town Meeting voted to hear Article 29 on Monday May 20, 2013 at 7:05 p.m.

Upon a procedural motion made by town meeting member, Maurianne Adams, Town Meeting voted to hear Article 38 on Wednesday May 22 at 7:06 p.m.

The Moderator explained the purpose of and criteria used for inclusion of articles in the Consent Calendar. Articles 2, 3, 5, 13, 14, 15, and 17 were selected because they were considered to be routine articles, their meaning could be clearly explained in the Finance Committee Report, and it was reasonable to expect they would pass with no controversy.

Article 15 was removed when five town meeting members raised their hands.

Ms. O’Keeffe then made a motion to accept the 6 warrant articles included in the Consent

Calendar of the 2013 Annual Town Meeting and the printed motions thereunder and approve those articles not removed as a single unit.

The motion was seconded and the vote was unanimous.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken 5/6/13

Katherine Appy gave a report for the Regional School District Planning Committee; Michael Hutton-Woodland gave a report for the Public Shade Tree Committee; and Greg Stutsman reported on behalf of the Housing and Sheltering Committee.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

VOTED unanimously to dismiss.

[To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken 5/6/13

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken 5/6/13

ARTICLE 4. Optional Tax Work-Off Exemption for Veterans (Select Board)

VOTED unanimously to accept the provisions of Chapter 59, Section 5N of the Massachusetts General Laws, which allows a reduction of a veteran's property tax obligation in exchange for volunteer services.

Action taken 5/6/13

ARTICLE 5. Authorization for Compensating Balances (Select Board)

VOTED unanimously to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken 5/6/13

ARTICLE 6. Street Acceptance – Olympia Drive (Select Board)

VOTED unanimously to: (a) accept as a public way the roadway known as Olympia Drive, as heretofore laid out by the Select Board and shown as "Olympia Drive" on a plan entitled "Roadway Acceptance Plan Olympia Drive and Authority Way, Amherst, MA," dated August 23, 2012, prepared by Doucet & Associates, Inc., and on file with the Town Clerk; and (b) authorize the Select Board to grant permanent and temporary utility, access and/or related easements on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, in, on, and under a certain parcel of land located on Olympia Drive, which parcel contains 13 acres, more or less, and is a portion of the

property identified on Assessors Map 8D as Parcel 20 and described in the Order of Taking recorded with the Hampshire Registry of Deeds in Book 3018, Page 309, to serve and/or support the affordable housing development to be constructed on said parcel.

Action taken 5/6/13

ARTICLE 7. Street Discontinuance – Eastman Lane (Select Board)

VOTED to discontinue Eastman Lane as a Town way, which Eastman Lane became a Town way upon the discontinuance of said roadway as a County way by the Hampshire Council of Governments and authorize the Select Board to convey any land so discontinued on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 5/6/13

ARTICLE 8. Acquisition of Easements – South East Street CDBG Sidewalk Project (Select Board)

VOTED unanimously to authorize the Select Board to acquire, by gift, purchase or eminent domain in connection with the Southeast Street Sidewalk Project, for public way and sidewalk purposes, permanent easements in, on, under the properties identified below and shown on a plan entitled “Southeast St. Sidewalk Community Development Block Grant Program,” dated February, 2013, on file with the Town Clerk.

Action taken 5/6/13

| <u>Owner</u> | <u>Address</u> | <u>Map and Parcel</u> |
|---|----------------------|-----------------------|
| Amir Mikhchi and Fatemeh Giahi | 126 Southeast Street | 15C-7 |
| Amir Mikhchi and Fatemeh Giahi | 140 Southeast Street | 15C-8 |
| Amir Mikhchi and Fatemeh Giahi | 148 Southeast Street | 15C-9 |
| Shu Chang Liao, Ching Yun Lee, and Chin Shao Lee | 156 Southeast Street | 15C-41 |
| 162 Amherst LLC | 162 Southeast Street | 15C-42 |
| Amherst-Colonial Village, LLC | 200 Southeast Street | 15C-10 |

ARTICLE 9. Grant of Electrical Easements – Boltwood Walk (Select Board)

VOTED to authorize the Select Board to grant to Western Massachusetts Electric Company a permanent easement in, on and under a portion or portions of the Town-owned parcel of land located at 51 Boltwood Walk and shown on Assessors Map 14A as Parcel 343, for the transmission of intelligence and electricity, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 5/6/13

ARTICLE 10. Accept Altered Layouts of Rights of Ways - Atkins Corner (Select Board)

VOTED by a declared two-thirds to accept the altered Layouts of West Bay Road, Bay Road, and West Street, as shown on a plan entitled “Plan of Land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and Laid Out By the Town of Amherst,” dated December 2011, on file with the Town Clerk, to include within the layouts of such ways the parcels of land shown on said plans, portions of which became Town

ways upon their discontinuance as county and state ways, and to authorize the Select Board to convey any laying outside the altered layouts of said ways on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 5/15/13

ARTICLE 11. Conveyance of Discontinued Rights of Ways – Atkins Corner (Select Board)

VOTED unanimously to discontinue as Town ways certain portions of West Bay Road, Bay Road, and West Street, as shown on a plan entitled “Plan of Land in the Town of Amherst Hampshire County Bay Road, West Bay Road and West Street Altered and Laid Out By the Town of Amherst,” dated December 2011, on file with the Town Clerk, and authorize the Select Board to convey any land so discontinued on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems appropriate.

Action taken 5/15/13

ARTICLE 12. FY 2013 Budget Amendments (Finance Committee)

A.

VOTED unanimously to amend the action taken under Article 12 of the 2012 Annual Town Meeting Fiscal Year 2013 Operating Budget by increasing the appropriation and the amount to be raised by taxation for the Community Services account by \$35,910 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for Debt Service by \$35,910.

Action taken 5/6/13

B.

VOTED unanimously to transfer \$238,115 from the General Fund General Government, \$16,372 from the Sewer Fund, \$13,370 from the Water Fund, \$5,308 from the Solid Waste Fund, \$3,088 from the Transportation Fund, and \$100,000 from the Amherst Elementary School Department accounts to the Town of Amherst OPEB Trust Fund.

Action taken 5/6/13

C.

VOTED unanimously to appropriate and transfer \$78,270 from Free Cash in the Undesignated Fund Balance of the General Fund to the following accounts; \$57,055 to the OPEB Trust Fund of the Town of Amherst; \$3,618 to the Town of Pelham; and \$17,597 to the Amherst-Pelham Regional School District to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken on 5/6/13

D.

VOTED unanimously in accordance with Chapter 44, § 53 (2) of the Massachusetts General Laws, to appropriate and transfer \$20,071 from the Insurance Recovery Fund to the FY 2013 Operating Budget – General Government – Information Technology Department for

reimbursement of the cost of repairs and replacement of the damaged visual and audio equipment in the Town Room.
Action taken on 5/6/13

E.

VOTED unanimously to appropriate and transfer \$41,814 from Fund Balance Reserved for Overlay Surplus to the 2009 Overlay account to eliminate a deficit in that account.
Action taken on 5/6/13

ARTICLE 13. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$3,925,567 for the Hampshire County Retirement System assessment.
Action taken 5/6/13

ARTICLE 14. Regional Lockup Assessment (Select Board)

VOTED unanimously to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.
Action taken 5/6/13

ARTICLE 15. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

VOTED to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2014 as required by Section VI of the Regional Agreement.
Action taken 5/6/13

ARTICLE 16. FY 2014 Operating Budget (Finance Committee)

Before consideration of Article 16 – FY2014 Operating Budget, Andrew Steinberg gave a report from the Finance Committee.

Sharon Sharry gave a report from the Jones Library Trustees prior to discussion on the Library Services portion of the FY14 Operating Budget

LIBRARY SERVICES

VOTED unanimously to approve the Library Services operating budget of \$2,339,755, and that the Town raise and appropriate \$1,741,512 as its share of that budget.
Action taken 5/6/13

At 10:00 p.m. Ms. O’Keeffe made a motion to continue with the General Government portion of the FY14 Operating Budget. Motion was defeated.

At 10:01 on May 6, 2013, the meeting voted to adjourn to Wednesday, May 8, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 208 town meeting members were checked in.

There were 252 town meeting members; 127 town meeting members constitute a quorum. The Constable reported a quorum at 7:09 p.m. and the Moderator immediately called the May 8, 2013 session of the May 6, 2013 Annual Town Meeting to order.

On a motion made by Precinct 9 town meeting member Jerry G. Guidera Jr., Town Meeting voted to hear article 36 on May 22, 2013 at 7:06 p.m.

Town Meeting resumed with discussion of Article 16 – FY14 Operating Budget

GENERAL GOVERNMENT

VOTED unanimously to appropriate \$6,400,243 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation, \$6,294,938 be raised by taxation and \$105,305 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken 5/8/13

PUBLIC SAFETY

VOTED unanimously to appropriate \$9,099,025 for Public Safety and that to meet such appropriation \$6,903,302 be raised by taxation and \$2,195,723 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken 5/8/13

PUBLIC WORKS

VOTED unanimously to raise and appropriate \$2,020,127 for Public Works.

Action taken 5/8/13

CONSERVATION AND DEVELOPMENT

VOTED to raise and appropriate \$1,010,848 for Conservation and Development.

Action taken 5/8/13

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,708,238 for Community Services.

Action taken 5/8/13

DEBT SERVICE

VOTED unanimously to appropriate \$1,959,603 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,795,515 be raised by taxation and \$164,088 be appropriated and transferred from Community Preservation Fund annual revenues.

Action taken 5/8/13

WATER FUND

VOTED unanimously to appropriate \$3,813,478 for the Water Fund and that to meet such appropriation \$3,791,591 be made available from Water Fund revenues of the current year and \$21,887 be transferred from Water Fund Surplus.

Action taken 5/8/13

SEWER FUND

VOTED unanimously to appropriate \$3,767,404 for the Sewer Fund and that to meet such appropriation \$3,653,051 be made available from Sewer Fund revenues of the current year and \$114,353 be transferred from Sewer Fund Surplus.

Action taken 5/22/13

(Finance Committee Chair Andrew Steinberg made a motion to reconsider the Sewer Fund portion of Article 16 after it was discovered that the dollar amount in the original motion for the total appropriation which was voted on May 18, 2013 was incorrect. Town Meeting voted to reconsider. Mr. Steinberg then made a motion to amend the original main motion by striking out the figure \$3,676,404 and inserting in place thereof the figure \$3,767,404. Town Meeting voted to amend the main motion. Town Meeting then voted unanimously to approve the motion as amended.)

SOLID WASTE FUND

VOTED unanimously to appropriate \$535,895 for the Solid Waste Fund and that to meet such appropriation \$525,895 be made available from Solid Waste Fund revenues of the current year and \$10,000 be transferred from Fund Balance Reserved for Monitoring.

Action taken 5/8/13

TRANSPORTATION FUND

VOTED unanimously to appropriate \$907,599 for the Transportation Fund and that to meet such appropriation \$907,599 be made available from Transportation Fund revenues of the current year.

Action taken 5/8/13

At 9:52 pm on May 8, 2013, the meeting voted to adjourn to Monday, May 13, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 178 town meeting members were checked in.

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:05 p.m. and the Moderator immediately called the May 13 session of the May 6, 2013 Annual Town Meeting to order.

Town Meeting Member Vladimir Morales made a motion to hear Article 44 on Wednesday May 22, 2013 at 7:07 p.m. Motion was seconded and received the required majority vote to pass.

A motion was made by Town Meeting Member Mary Streeter to move Article 24 to Wednesday, May 22, 2013 at 7:08 p.m. Motion was seconded and received the required majority vote to pass.

Town Meeting resumed with discussion of Article 16 – FY14 Operating Budget

Prior to hearing the Elementary School portion of the FY14 Operating Budget, Superintendent of Schools Ms. Maria Geryk gave a report on the state of the Elementary and Regional schools.

ELEMENTARY SCHOOLS

VOTED to raise and appropriate \$21,989,199 for the Amherst Elementary Schools.
Action taken 5/13/13

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$29,130,815 and that the Town raise and appropriate \$14,158,830 as its share of that budget.
Action taken 5/13/13

ARTICLE 17. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2014.
Action taken 5/6/13

ARTICLE 18. Revolving Fund Reauthorization (Finance Committee)

VOTED to reauthorize a revolving fund pursuant to Chapter 44, §53E½ of the Massachusetts General Laws for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2013.
Action taken 5/13/13

ARTICLE 19. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED unanimously to appropriate \$1,118,955 to purchase, repair, and/or install new or replacement equipment and to meet such appropriation \$969,955 be raised by taxation, \$144,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account, and \$5,000 be transferred from the Fund Balance Reserved for Capital account.
Action taken 5/13/13

At 9:59 pm on May 13, 2013, the meeting voted to adjourn to Wednesday, May 15, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 185 town meeting members were checked in.

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:08 p.m. and the Moderator immediately called the May 15 session of the May 6, 2013 Annual Town Meeting to order.

Discussion resumed with consideration of Articles 26, 10, 11, as voted by Town Meeting on May 6, 2013, after which Town Meeting resumed discussion of articles in the order they appeared in the warrant, starting with Article 20

ARTICLE 20. Capital Program –Buildings and Facilities (Joint Capital Planning Committee)

VOTED Yes 95, No 56 to appropriate \$464,500 to repair and/or improve buildings and

facilities and to meet such appropriation \$449,500 be raised by taxation and \$15,000 be transferred from the April 2001 Annual Town Meeting, Article 35, Puffers Pond Dredging. Action taken 5/15/13

(Kevin Noonan made a motion to reduce the amount by \$15,000 for an appropriation of \$449,500. In accordance with Sec. 7 of Article 1 – The Town Government – Rules of Order for Town Meeting, Town Meeting voted on the higher amount first. The Finance Committee motion for \$464,500 was voted by the required majority and the Noonan motion was defeated by default.)

ARTICLE 21. Capital Program – Bond Authorizations (Joint Capital Planning Committee)

VOTED unanimously

- A. To appropriate \$400,000 for purchasing a pumper truck for the Fire Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- B. To appropriate \$425,000 for purchasing two large trucks and a bucket truck for the Public Works Department and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
- C. To appropriate \$400,000 for replacing the boiler and making associated repairs at the Wildwood Elementary School and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken 5/15/13

ARTICLE 22. Capital Program - Debt Rescission (Finance Committee)

VOTED unanimously to rescind the \$80,000 unissued amount that was authorized to be borrowed by a vote of the Town passed at the Annual Town Meeting held on June 18, 2007 (Article 23) for handicapped access and interior improvements to the East Street School, but which is no longer needed for the purpose for which it was initially approved.

Action taken 5/15/13

ARTICLE 23. Water and Sewer Debt (Finance Committee)

VOTED by a declared two-thirds

- A. To appropriate \$1,000,000 to pay for the costs of designing and constructing sewer system improvements and sewer main extensions, and any and all costs related thereto and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

B. To appropriate \$1,000,000 to pay for the costs of designing and constructing water system improvements and water main extensions, and any and all costs related thereto and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken 5/15/13

At 10:13 pm on May 15, 2013, the meeting voted to adjourn to Monday, May 20, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 175 town meeting members were checked in.

ARTICLE 24. Community Preservation Act (Community Preservation Act Committee)

A. VOTED to appropriate a sum of \$282,395 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that the following amounts (items 1- 8) be appropriated from Community Preservation Act Fund Estimated Revenues:

| | Project | Total Appropriation | Source of Appropriation |
|----------|--|---------------------|---------------------------------|
| | AFFORDABLE HOUSING | | |
| 1 | Family Outreach of Amherst and Amherst Housing Authority – Amherst | \$15,000 | |
| | Total Affordable Housing | \$15,000 | FY 14 Estimated Revenues |
| | | | |
| | HISTORIC PRESERVATION | | |
| 2 | Amherst Historical Society - Conservation of Emily Dickinson dress and storage equipment | \$21,401 | |
| 3 | Amherst Media - Archive Town's his- | \$53,994 | |
| 4 | Unitarian Universalist Society of Amherst - Restoration of Tiffany window | \$106,000 | |
| 5 | Jones Library - Roof repair | \$14,000 | |
| | Total Historic Preservation | \$195,395 | FY14 Estimated Revenues |
| | | | |
| | OPEN SPACE | | |
| 6 | Surveys & Appraisals | \$10,000 | |
| | Total Open Space | \$10,000 | FY14 Estimated Revenues |
| | | | |
| | RECREATION | | |
| 7 | LSSE - Mill River Recreation Area | \$60,000 | |
| | Total Open Space | \$60,000 | FY14 Estimated Revenues |
| | | | |
| | ADMINISTRATIVE | | |
| 8 | CPAC Administrative Expenses | \$2,000 | |
| | Total Administrative | \$2,000 | FY14 Estimated Revenues |
| | | | |
| | TOTAL FOR ARTICLE | \$282,395 | |

Action taken 5/22/13

(Upon a motion by Town Meeting member Larry Kelly, Article 24 A was divided so that item #4 - Unitarian Universalist Society of Amherst - Restoration of Tiffany Window would be considered separately from the other line items in the Article. Town Meeting first voted on the remaining line items, and then voted on item #4.)

At 10:07 pm on May 22, 2013, the meeting voted to adjourn to Wednesday, May 29, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:07 p.m. and the Moderator immediately called the May 29 session of the May 6, 2013 Annual Town Meeting to order.

Town Meeting resumed with discussion of the remainder of Article 24.

B: VOTED to amend the vote taken under Article 8B of the November 19, 2012 Special Town Meeting, as continued, which authorized the acquisition of all or a portion of the parcel of land located at Potwine Lane, containing 16 acres, more or less, and being a part of the premises described in a deed recorded with the Hampshire Registry of Deeds in Book 1272, Page 375, and appropriated the total sum of \$163,000 for the acquisition and costs related thereto, with \$48,500 transferred from the Community Preservation Act Fund Budgeted Reserve, \$33,000 transferred from the Community Preservation Act Fund Balance, and the remaining \$81,500 borrowed under G.L. c. 44B, §11, to rescind said appropriation and the borrowing authorized for said acquisition under said Article 8B, and instead appropriate a total sum of \$156,000 for said acquisition and costs related thereto, with the entire sum to be appropriated from the Community Preservation Act Fund estimated revenues.

Action taken 5/29/13

C: VOTED Yes 125, No 57 to: (a) authorize the Select Board to acquire, by gift, purchase or eminent domain, for open space purposes, the fee in and to an approximately 5-acre portion of the parcel of land located at 650-652 South East Street, shown on Assessors Map 17D as Parcel 24, and described in a deed recorded with the Hampshire Registry of Deeds in Book 11217, Page 189, which portion of land shall be under the care, custody, management and control of the Conservation Commission under the provisions of Chapter 40, §8C of the Massachusetts General Laws; (b) borrow the sum of \$60,000 under Chapter 44B, §11 of the Massachusetts General Laws or any other enabling authority for the acquisition of said land and costs related thereto, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose pursuant to Chapter 44B, §11 of the Massachusetts General Laws, and Chapter 44 of the Massachusetts General Laws and/or any other enabling authority; (c) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to apply for and accept on behalf of the Town any funds, gifts, and grants under any federal and/or other state program in any way connected with the scope of this acquisition; and, further, (d) authorize the Select Board and/or the Conservation Commission to convey a conservation restriction on said land in accordance with Chapter 184 of the Massachusetts General Laws, as required by Chapter 44B, §12(a) of the

Massachusetts General Laws.
Action taken 5/29/13

D: VOTED unanimously to appropriate and transfer and/or borrow the sum of \$110,000 from Community Preservation Act funds for the preservation and support of community housing, as recommended by the Community Preservation Act Committee, such sum to be granted to the Amherst Housing Authority pursuant to a grant agreement for the repair and improvement of 25 of the 80 units of low and/or moderate income housing at the Ann Whalen Apartments, located at 33 Kellogg Avenue and under the care and custody of the Amherst Housing Authority, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for such purposes pursuant to Chapter 44B, §11, and Chapter 44 of the Massachusetts General Laws and/or any other enabling authority, and, further, to authorize the Select Board to accept, on such terms as the Select Board deems appropriate, an affordable housing restriction on said Ann Whalen Apartments.
Action taken 5/29/13

ARTICLE 25. Social Services Funding (Finance Committee)

VOTED unanimously to appropriate and transfer \$90,000 from Free Cash in the Undesignated Fund Balance for the following Social Services eligible activities: \$15,000 for Town of Amherst Flexible Emergency Funds, \$25,000 for Big Brothers/Big Sisters of Hampshire County Mentoring Program, \$20,000 for Family Outreach of Amherst Emergency Funds for Resource Caseworker, \$10,000 for Amherst Survival Center Food Pantry, and \$20,000 for Town of Amherst Rental Assistance for Intermediate Living.
Action taken 5/20/13

(Town Meeting Member Hwei-Ling Greeney made a motion to amend Article 25 to redistribute the \$90,000 appropriation to the Social Services noted in the article and also to the Center for New Americans for Education and Career Coaching for Immigrants; the Literacy Project for the Passport to Success: GED to Jobs Program; and to Amherst Community Connections for the Housing and Stabilization Program. The motion was defeated.)

Jeffrey Lee, Timothy Neale, Alexander Krogh-Grabbe, David Mullins, Nonny Burack, and Adrienne Terrizzi were sworn in as Tellers.

ARTICLE 26. Town-Gown Strategic Planning (Finance Committee)

VOTED Yes 122, No 46 to appropriate and transfer \$30,000 from Free Cash in the Undesignated Fund Balance of the General Fund for a Town-Gown strategic planning study in partnership with the University of Massachusetts Amherst.
Action taken 5/15/13

(A motion to refer back to the Finance Committee was defeated)

ARTICLE 27. Free Cash (Finance Committee)

VOTED unanimously to DISMISS

(To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the Fiscal Year 2014 Budget.)
Action taken 6/3/13

ARTICLE 28. Stabilization Fund (Finance Committee)

VOTED unanimously to DISMISS

(To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2014 Budget.)

Action taken 6/3/13

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:06 p.m. and the Moderator immediately called the May 20 session of the May 6, 2013 Annual Town Meeting to order.

Assistant Town Clerk Sue Audette was elected as temporary Town Clerk for the duration of the May 20 session of the May 6, 2013 Annual Town Meeting.

The Moderator recognized TracyLee Boutilier for a procedural motion. Town Meeting voted to hear Article 42 on May 29, 2013 at 7:05 p.m.

The Moderator recognized Barbara Ford for a procedural motion. Town Meeting voted to consider Article 43 on Wednesday, May 29, 2013 at 7:06 p.m.

Discussion resumed with consideration of Article 29 as voted by Town Meeting on May 6, 2013

ARTICLE 29. Residential Rental Property Bylaw (Select Board)

VOTED to amend the Town of Amherst General By-Laws by adding the following new by-law:

The effective date of this bylaw shall be January 1, 2014.

1. **Purpose.** This bylaw is adopted in accordance with the Town of Amherst's Home Rule Authority and the Amherst Master Plan, in furtherance of the following public purposes:
 - a. To protect the health, safety, and welfare of tenants and other citizens of the Town of Amherst by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and permitting of residential rental properties.
 - b. To ensure safe and sanitary conditions in Amherst's rental housing stock, preventing degradation and helping to promote preservation of important historic residential buildings and neighborhoods.
 - c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
 - d. To establish and assign responsibility for different aspects of rental housing management.
 - e. To establish and expand awareness of the requirements for use and maintenance of rental

housing exteriors and grounds, including parking requirements.

- f. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
 - g. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all residents, including families and students, consistent with Amherst's long history as a college community.
2. **Registration & Permit Required.** Except as provided in Section 4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any dwelling unit nor any rooming unit in a lodging or boarding house being operated as a principal zoning use in the Town of Amherst until the property has been registered and a rental permit therefor has been issued by the Principal Code Official.
3. **Enabling Legislation & Regulations.** All rental units and rooming units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.
4. **Applicability & Exemptions.** Registration and rental permits shall be required of all residential properties containing rented dwelling units or rooming units, or offered for that purpose, except for the following:
- a. **Lodging Facilities.** Hotels, motels, inns, hostels, or bed and breakfasts.
 - b. **Halfway Houses & Group Homes.** Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts. Notwithstanding, such facilities shall comply with Section 7. a. 1) b) below.

5. **Definitions.** Definitions of terms used in the regulations.

Under these regulations, the following terms have the meanings indicated:

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Amherst, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

Principal Code Official – the Code Official designated by the Town Manager to oversee and administer the rental program under this bylaw.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended for use by one family, as defined by the Amherst Zoning Bylaw, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

Emergency – Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

Hazard - means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

Occupant – means a person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner – means every person who alone or jointly or severally with others:

- a. has legal title to any building, structure, or property subject to this bylaw, or;
- b. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or
- c. is a lessor under written agreement; or
- d. is the mortgagee in possession; or
- e. is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

Owner-Occupant(s) – One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

Person – means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

Premises – means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

Principal Residence - means the primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which

do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

Responsible Person – means an Owner, Occupant, Tenant, Local Agent, Property Manager or other natural person authorized to act as an Owner's agent.

Responsible Party – means the person or persons responsible for a violation under this Bylaw, whether an Owner, Occupant, Tenant, Local Agent, or Property Manager.

Rooming Unit – means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

6. Registration & Permitting.

- a. Application Process and Requirements.** Registration and rental permit applications shall be made on forms approved by the Town, and shall provide such information as the Principal Code Official shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Town office. Complete rental permit applications shall be reviewed and permits shall be issued within fourteen (14) working days from the date of submission. Except as may otherwise be permitted by the Code Official, a rental permit application shall identify the total number of rental units on the property.

Information required as part of a rental permit application shall include:

- 1) **Contact Information & Responsible Persons.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). Where the rental property owner(s) or agent does not have their principal residence or principal place of business in the town of Amherst or within 20 miles of an Amherst town line, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Amherst to serve as Local Agent(s) for the owner, authorized to act on the owner's behalf with regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a Local Agent shall be sufficient to satisfy any requirement of notice to the owner or the operator. The owner shall notify the Code Official in writing of any change of Local Agent within five days of any such change.
- 2) **Compliance Through Self-Certification.** Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and

Certification Checklist provided by the Town as set forth in Section 7 below. An owner or property manager may provide the Town with a single Self-Inspection and Certification Checklist for multiple units provided that said units are on a single property. Where said units represent a portion of the total rental units on the property, the applicant shall propose a schedule of Self-Inspection and Certification for the remaining units for the review and approval of the Code Official.

- 3) **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder. See Sections 12 and 13 below.
- b. Renewal.** Rental permits shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a permit is applied for or approved and issued. Completed applications for permit renewals shall be submitted and received by June 15th of each calendar year.
- c. Permit Posted.** A rental permit shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.
- d. Transferability.** Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use shall be subject to the provisions of the permit and management plan. The new owner or designated operator of the rental property is required to promptly notify the Code Official of their acquisition of the property and to submit for review and approval any proposed changes in the provisions of the permit.

7. Inspections & Complaints.

- a. **Self-Certification Program.** Owners of rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town's authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

1) Annual Owner Self-Inspections & Checklist.

- a. **Owner Self-Inspection & Certification.** An owner or their local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or their agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their application for annual renewal of the rental permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw.
- b. **Subsidized Housing.** Where residential rental units are regularly inspected under

requirements of the state or federal government, no Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be provided to the Town and shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.

- c. Self- Inspections & Access. An owner shall not be found in violation of the Self-Certification program if they have been refused access for an inspection by a tenant/occupant. However, in such instances the owner shall either provide the Town with a signed statement from the tenant/occupant indicating that the inspection was refused, or the owner shall provide proof, that a request for access was served to the tenant/occupant and the request was thereafter refused.
- d. Lease Terms. Subject to and as limited by the laws of the Commonwealth, a provision requiring tenants to agree to provide reasonable access to the owner(s) or management company shall be a feature of any lease for a rental unit or property permitted under this bylaw. Where no lease is used, the owner(s) or their lawful representatives shall provide documentation demonstrating that they have made all tenants aware of the Town of Amherst rental bylaw and inspection system. All leases shall provide an acknowledgment that all tenants have been made aware of these requirements.
- e. Leases Available. Copies of all current, active leases for the subject property or units shall be kept on file with the owner or manager, and shall be made available to the Code Official within 48 hours of any request.

b. Self-Inspection for Different Circumstances

- 1) Short-Term Rentals. Dwelling units on owner-occupied properties serving as the owner's principal residence, and which contain no more than two (2) units may be rented under simple registration with the Town without the requirement for a rental permit for a period not to exceed one (1) calendar year under the following circumstances:
 - a. During a pending sale of the property by the owner-occupant, or
 - b. In response to regular or periodic interruptions in residency by the owner-occupant, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indicia of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), any such units shall be registered and a rental permit obtained in compliance with this bylaw.

- 2) Long-Term Tenancies & Periodic Self-Inspections. Rental units which have been leased and occupied continuously by the same tenant(s) for a period of not less than three (3) years shall require a Self-Inspection & Certification upon initial registration and thereafter at three (3) year intervals. Exceptions shall be that Self-Inspection & Certification will be required upon any change in tenants, or may be required at more

frequent intervals at the discretion of the Code Official in response to complaints or other circumstances requiring a Town inspection.

c. Complaints & Response Process.

Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw, the Code Official shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be as scheduled by the Code Official.

Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes, in a manner consistent with the laws of the Commonwealth.

Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a rental permit to an owner does not preclude tenants' right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

d. Access to Properties. In accordance with Section 7. a. 1) d), the permit holder shall make a good faith effort to arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

- 8. Tenant Information.** The owner shall be required to distribute to tenants annually, and to each new tenant, an information sheet provided by the Town describing key local regulations; bylaws, including those pertaining to noise, alcohol and nuisance houses; and state laws and codes applying to rental properties. As part of the Registration and Self-Certification process, the owner shall attest to understanding the provided information and the necessity of compliance with the rules and laws described, as well as distributing it to tenants.
- 9. Occupancy Limits and Zoning.** The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Amherst Zoning Bylaw and State standards for fitness for habitation. The fact that a structure or use may be permitted or authorized under the Amherst Zoning Bylaw shall not exempt said structure or use from application of this bylaw or relieve or excuse compliance herewith in any way.
- 10. Parking.** All existing parking and any new or expanded parking on residential rental properties within the town of Amherst shall comply with the General Requirements and Design Standards and Landscape Standards of the Parking & Access Regulations of the Amherst Zoning Bylaw.
- a. Parking Site Plan.** A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any rental permit application. Submission of an existing site plan approved under a land use (zoning) permit and which accurately represents current on-site parking shall meet the requirements of this section.

1) Basic Parking Site Plan Requirements. The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of Amherst's Zoning Bylaw, Town of Amherst GIS mapping may be used as the base for a site plan developed under this section.

a) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.

2) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Code Official for compelling reasons of safety or design.

b) Review. Existing on-site parking and circulation shall be reviewed by the Code Official for conformance with existing zoning requirements, including but not limited to parking layout and circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

11. Fees. The Select Board or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of rental properties.

12. Enforcement.

a. **Enforcement Personnel.** The Town Manager is hereby authorized to designate the Principal Code Official and other Town officials empowered to enforce or otherwise take actions under this Bylaw.

b. **Enforcement Options.** This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Furthermore, in appropriate circumstances, a civil action may be initiated to compel compliance herewith.

c. **Violations.** Non-compliance with any requirement of this Bylaw shall constitute a violation subject to penalty. Every day in which a violation continues shall be considered to be a separate offence. If more than one violation has occurred, each condition of the Bylaw which has been violated shall be considered a separate offense.

d. **Enforcement Procedures.** Except for cases where conditions exist which may

endanger or impair the health, or safety and well-being of a person or persons occupying the premises or as may otherwise be provided for by the Massachusetts Sanitary Code, Building Code, Fire Regulations or any other state or local law or regulation, the response of Code Officials to potential violations of this Bylaw shall include one or more of the actions as deemed necessary by the Code Official. Nothing herein shall supersede, alter, or vary the requirements of those codes or the responsibilities of the officials that administer them.

- 1) Complaint Filed. Any person may file a complaint regarding one or more violations of this Bylaw.
- 2) Property Research. The Code Official shall perform a limited initial research of the property to confirm permit history, assessor's information, and other pertinent information. The Code Official may contact the alleged violator, occupant or responsible party to gather additional information. When appropriate the Code Official shall notify the Owner that a complaint has been filed against the property and that an initial site inspection is anticipated.
- 3) Site Inspection. The Code Official shall conduct a site inspection to determine the validity of the complaint and collect any relevant facts of the case.
- 4) Notice of Violation/Enforcement Order. After inspecting the site and upon confirming that a violation exists, the Code Official shall inform the responsible party or parties in writing of the violation and specify a time period within which to correct the violation. Violations may be cited pursuant to the applicable state or local code or regulation.
- 5) Follow up Inspection. Shall be conducted upon the expiration of the time specified to correct the violation.
- 6) Fines. The Code Official may elect to impose fines in instances where: 1) compliance has not been achieved after the responsible party or parties have been made aware of the violation and given a reasonable opportunity to come into compliance, or 2) for repeat offenses.
- 7) Suspension of Rental Permit. In instances of egregious violations and when all reasonable and practical efforts have been made by the Code Official to gain compliance at a property without result, the Principal Code Official may suspend a rental permit based upon the specific criteria provided in Section 13 of this Bylaw. The permit holder shall have the opportunity to be heard and appeal any decision of the Principal Code Official to impose a suspension in accordance with Section 14 of this Bylaw.
- 8) Court Relief. If a violator fails to comply with an Enforcement Order, the Code Official may seek a court order to remedy the violation.

13. Penalties

- a. Fines.** Any violation of the provisions of this Bylaw may be enforced by non-criminal complaint pursuant to the provisions of G.L. c.40, §21D. The fine for any violation shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- b. Suspension.** Based on the standard of proof and criteria specified herein the Principal Code Official is authorized to suspend a rental permit. A suspension shall take effect immediately upon the day following the end of the current lease, or upon any termination of the lease prior to that date. The suspension of a rental permit shall be imposed to affect only those units which are the subject of the violation(s) and enforcement action(s). Permits may be suspended if:

- 1) An Owner or their Agent has knowingly allowed or assisted in allowing violations of this Bylaw. The Code Official must collect compelling documentation through his or her investigation to substantiate this violation and support the recommendation to suspend a permit.
- 2) An Owner or their Agent repeatedly refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or their Agent have not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or their Agent in writing that the permit is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve month period – 180 days

Third Offense in a twelve month period – 3 years

- c. Immediate Suspension.** In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the rental permit shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.

14. Appeals of the Code Official.

The Select Board is hereby authorized to establish and appoint a Rental Appeals Board (RAB), and to promulgate regulations for its membership and the conduct of its business.

Any decision by the Code Official to suspend a permit may be challenged by the permit holder by filing an appeal to the Rental Appeals Board (RAB). All appeals must be filed within 14 days of the decision and shall be heard within 30 days of filing. All appeals shall be heard at a

duly noticed public hearing and any party filing such an appeal shall have the right to be represented by counsel.

A decision of the Rental Appeals Board shall be final. Further relief of a decision by the RAB made under this Bylaw shall be reviewable in a court of competent jurisdiction.

Action taken 5/20/13

(Town Meeting Member Richard Gold made a motion to refer Article 29 back to the Select Board. The motion failed.

Town Meeting Member Maurianne Adams made a motion to amend Article 29 by substituting Paragraph 2 of Article 38 for Paragraphs 2, 4, and 7(b)(1) of Article 29, with Paragraph 7 (b) (2) renumbered as necessary. The motion to amend was defeated Yes 74, No 116.)

The Moderator recognized Ms. O’Keeffe for a procedural motion. Town Meeting voted to consider Article 45 following Article 25.

Article 30. Zoning – Converted Dwellings Standards and Conditions (Planning Board)

VOTED by a declared two-thirds to amend the Standards and Conditions for Section 3.3241, Converted Dwelling, of the Amherst Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

~~5-~~ **6.** The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the ~~Zoning Board of Appeals~~ ***Special Permit Granting Authority***. The conversion, if in a residential district shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use and shall require owner-occupancy or a ~~Resident m~~***Manager (see definition)*** in one of the units; or b) be from one to two units, ~~—In both instances one unit~~ ***of which*** shall be and shall remain owner-occupied, a requirement which shall be made a condition of any Special Permit issued ***in such an instance***.

~~13. For any converted dwelling use in the R-G, R-VC, R-N, R-O and R-LD districts, the Special Permit Granting Authority shall require as a condition of the granting of a Special Permit the ongoing services of a qualified professional property management company, the presence of a qualified on-site resident manager, or similar provision for appropriate management of the rental use.~~

Action taken 6/3/13

ARTICLE 31. Zoning – Mixed Use Buildings - Standards and Conditions (Planning Board)

VOTED Yes 119, No 56 to amend the Standards and Conditions for Section 3.325 of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

3.325 Building containing dwelling units in combination with stores or other permitted business or commercial uses

Standards and Conditions

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section.

In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the ~~Special P~~ermit Granting Authority authorized to act under this section of the bylaw shall be required whenever proposed residential uses above the first floor exceed: ~~1) a total GFA greater than twice the area devoted to commercial uses, or 2) a total GFA greater than six thousand (6000) square feet, or 3) six (6)~~ **ten (10)** dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District, ~~there shall be no dwelling units nor~~ ***any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public*** dwelling units, ~~nor portions thereof other than entries thereto as required, on the first floor.~~ ***First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units.*** No more than ~~ten percent (10%)~~ **forty percent (40%)** of the ~~gross floor area on the first floor~~ **Gross Floor Area (GFA)** shall be ***used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA*** associated with or incidental to, whether for storage, ***required entries, stair/elevator towers,*** or other purposes, ~~the any~~ residential uses on upper floors.

Action taken 6/3/13

(Town Meeting Member Janet Chevan made a motion to refer Article 31 to the Planning Board. Motion was defeated, Yes 82, No 94.)

At 10:31 p.m. on June 3, 2013, the meeting voted to adjourn to Monday June 10, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 200 town meeting members were checked in.

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:10 p.m. and the Moderator immediately called the June 10 session of the May 6, 2013 Annual Town Meeting to order.

Alan Powell was sworn in as a Teller.

ARTICLE 32. Zoning – Mixed Use Center Dimensions (Planning Board)

To see if the Town will amend Article 6, Table 3, Dimensional Regulations and its Footnotes, and Section 6.19 of the Zoning Bylaw with respect to dimensional requirements for the Limited Business (B-L), Commercial (COM), Village Center Business (B-VC), and General Business (B-G) districts, as follows:

A motion was made to divide Article 32 to consider A1 and A2, A3, and B as separate motions

DEFEATED Yes 110, No 67

(A1. Amend Table 3 by replacing existing dimensional requirements for the B-L and COM districts by adding the language in ***bold italics***, as follows:

| | B-L/COM | |
|--|------------------------|---|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 20,000 ^b | <i>15,000^b</i> |
| Additional Lot Area/Family (sq. ft.) | 4,000 | <i>2,500^{ab}</i> |
| Basic Minimum Lot Frontage(ft.) | 125 ^b | <i>60^b</i> |
| Basic Minimum/ <i>Maximum</i> Front Setback (ft.) ^{an} | 20 | <i>10 minimum 30 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | 25 ^a | 25 ^a |
| Maximum Building Coverage (%) | 35 | 35 ^a |
| Maximum Lot Coverage (%) ^o | 70/85j | 70/85 ^{aj} |
| Maximum Floors ^a | 3 | 3 |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 35 | <i>16 minimum 40 maximum</i> |

A2. Amend Table 3 Footnotes b. and n. by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood. [No amendment, included for informational purposes]
- b. Applies to Residence Uses only (Section 3.32). In the B-G, ***B-L***, B-VC, ~~and~~ B-N, ***and COM*** districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no front setback is required. [No amendment, included for informational purposes]
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided shall be at least 10 feet. [No amendment, included for informational purposes]
- f. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage. [No amendment, included for informational purposes]

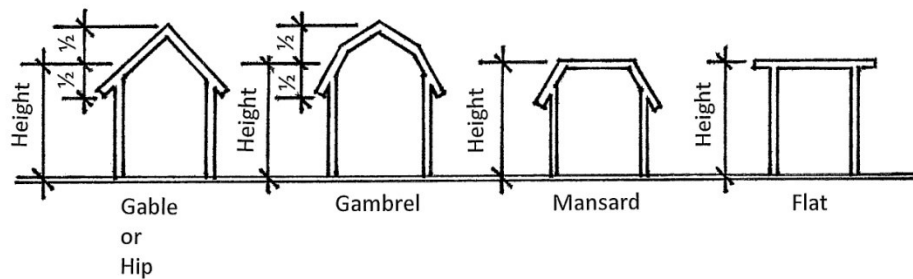
- g. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District. [No amendment, included for informational purposes]
 - h. ***Where only a single figure is shown, it represents the minimum front setback or the maximum height, as applicable.*** See Section 6.19 for interpretation.
 - i. o. See Section 6.18. [No amendment, included for informational purposes])
- Action taken 6/10/13

A3.

VOTED by a declared two-thirds to amend Section 6.19 by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and adding a new graphic illustration for building height, as follows:

6.19 *Minimum and Maximum Height*

In all districts, the minimum or maximum height of a building shall be measured as the vertical distance from the highest point of any roof or parapet to the average finished grade on the street side of the structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height (midpoint) between the highest eaves and ridge of the main body of the roof for gable, hip, shed, saltbox, and gambrel roofs, or combinations thereof.



Section 6.19 – Building Height

In the B-G, B-L, B-VC, B-N, COM, and R-VC districts, the maximum height of buildings may be modified under a Special Permit granted by the Special Permit Granting Authority authorized to act under the provisions of this bylaw for compelling reasons of building function, utility, or design, including but not limited to allowing construction of the full number of maximum floors under difficult site conditions such as steep grades, or with a pitched roof design, or similar conditions. In granting any such modification, the Special Permit Granting Authority shall consider the patterns of height and roof styles established by existing buildings, structures, and landscape features in the surrounding area, and provided that in no case shall the height of any exterior face of a building exceed the permitted height by more than ten (10) feet.

Height limitations shall not apply to chimneys, spires, cupolas, TV antennae and other parts of buildings or structures not intended for human occupancy. Towers, antennae, panels, dishes and other such structures attached to a building in association with commercial and public wireless communication uses shall not exceed the maximum height of said building, as above defined, by more than ten feet. Related electronic equipment and equipment structures shall not

exceed the maximum height. For towers and other such free-standing structures associated with wireless communications uses, the provisions of Section 3.340.2 shall apply and prevail.
Action taken 6/10/13

B. VOTED Yes 121, No 53 to amend Table 3, including replacement of existing dimensional requirements for the B-VC District as shown in ***bold italics***:

| | B-VC | |
|--|------------------------|---|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 15,000 ^b | <i>12,000^b</i> |
| Additional Lot Area/Family (sq. ft.) | 2,500 ^{ab} | 2,500 ^{ab} |
| Basic Minimum Lot Frontage (ft.) | 100 ^b | <i>60^b</i> |
| Basic Minimum/ <i>Maximum</i> Front Setback (ft.) ^{an} | 10 ^a | <i>10 minimum 20 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | 25 ^a | <i>10^a</i> |
| Maximum Building Coverage(%) | 35 | 35 ^a |
| Maximum Lot Coverage (%) ^o | 65 ^a | 65 ^a |
| Maximum Floors ^a | 3 | 3 |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 40 | <i>16 minimum 40 maximum</i> |

Amend Table 3, including replacement of existing dimensional requirements for the B-G District as shown in *bold italics***:**

| | B-G | |
|---|------------------------|--|
| | <u>Existing</u> | <u>Proposed</u> |
| Basic Minimum Lot Area (sq. ft.) ^h | 12,000 ^b | 12,000 ^b |
| Additional Lot Area/Family (sq. ft.) | 1,250 ^{ab} | 1,250 ^{ab} |
| Basic Minimum Lot Frontage (ft.) | 100 ^b | <i>40^b</i> |
| Basic Minimum/Maximum Front Setback (ft.) ^{an} | 20 ^c | <i>0 minimum 20 maximum</i> |
| Basic Minimum Side and Rear Yards (ft.) ^g | e | <i>10^{ae}</i> |
| Maximum Building Coverage (%) | 70 ^a | 70 ^a |
| Maximum Lot Coverage (%) ^o | 95 ^a | 95 ^a |
| Maximum Floors ^a | 4 | <i>5</i> |
| <i>Minimum</i> /Maximum Height (ft.) ^{an} | 50 | <i>55</i> |

Action taken 6/10/13

ARTICLE 33. Zoning – Non-Conforming Uses and Structures (Planning Board)

VOTED by a declared two-thirds to amend Section 9.2, Non-Conforming Uses and Structures, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 9.20 by adding new Sections 9.201 and 9.202, as follows:

- 9.20 Any lawful building or structure, or use of a building, structure or land, existing at the time of adoption of this Bylaw or any amendment thereto which does not conform to the regulations thereof may be continued. However, except as hereinafter set forth, a non-conforming building or structure shall not be structurally altered, enlarged, nor reconstructed so as to increase its non-

conformity under this bylaw. ***For the purposes of this section, a structural alteration shall be any change to the exterior of a building or other structure which involves alteration, relocation, enlargement, or reconstruction of walls or other significant elements of the building or structure.***

9.200 Under Section 11.1, the Building Commissioner may permit the repair, alteration, reconstruction, extension or structural ~~change~~ ***alteration*** of a lawful, dimensionally non-conforming single family or two family dwelling ***in any zoning district or a lawful, dimensionally non-conforming building in the B-G, B-VC, B-N, B-L or COM districts, or in either circumstance,*** a portion thereof, or accessory structures thereto, provided the proposed change does not constitute a change of use under this Bylaw, and at least one of the following conditions is met:

9.2000 In the case of a building non-conforming solely because of insufficient lot frontage or lot area, or both, the proposed change shall meet all dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors and maximum height.

9.2001 In the case of a dimensionally non-conforming building with sufficient lot frontage and lot area, where said building, or a portion thereof, is non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

9.2002 In the case of a building non-conforming as to lot frontage and/or lot area, and nonconforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

9.201 Where a new or expanded existing conforming use is proposed in an existing lawful dimensionally non-conforming building, and no exterior alteration, reconstruction, extension or structural alteration will occur, the permit requirements of Section 3.3 shall apply but no additional Special Permit under Section 9.22 shall be required for the proposed use.

B. Amend Section 9.22, as follows:

- 9.22 The ~~Board of Appeals may authorize~~ ***Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may***, under a Special Permit, ***allow*** a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said ~~Board~~ ***Authority*** may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that ***the Authority finds that*** such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building.

Action taken 6/10/13

ARTICLE 34. Zoning – R-F District Dimensions (Planning Board)

VOTED by a declared two-thirds to amend Table 3, Dimensional Regulations, by adding Footnote a. to the following dimensions in the Fraternity Residence (R-F) District:

| | <u>R-F</u> | |
|--|-------------------|---|
| Basic Minimum Lot Area (sq. ft.) ^h | 40,000 | |
| Additional Lot Area/Family (sq. ft.) | ----- | |
| Basic Minimum Lot Frontage (ft.) | 150 | |
| Basic Minimum Front Setback (ft.) ^a | 25 | |
| Basic Minimum Side and Rear Yards (ft.) ^g | 20 | |
| Maximum Building Coverage (%) | 20 ^a | β |
| Maximum Lot Coverage (%) ^o | 45 ^a | β |
| Maximum Floors ^a | 3 | |
| Maximum Height (ft.) ⁿ | 40 ^a | β |

[Included for informational purposes]

- a.** Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.

Action taken 6/10/13

ARTICLE 35. Zoning – Locational Requirements for Non-Conforming Structures in Mixed Use Centers (Planning Board)

VOTED Yes 107, No 49 to amend Article 9, Non-Conforming Lots, Uses and Structures, by adding the following new Section 9.3:

SECTION 9.3 LOCATIONAL REQUIREMENTS IN MIXED USE CENTERS

9.30 Purpose

The purpose of this section is to establish regulations for the location of new additions or enlargements to non-conforming uses and structures, or the creation of separate buildings on the same lot as non-conforming uses and structures in the B-G, B-L, B-VC, B-N and COM Districts. These regulations are intended to promote sound design, enhance the creation of pedestrian-friendly streetscapes and spaces, and foster more functional and successful mixed use properties. Where the provisions of this section conflict with Section 9.1 and 9.2 of this Article, this section shall apply and prevail.

9.31 Non-conforming Structures

9.310 Enlargements, Repairs, or Alterations – Non-conforming structures may be permitted to be enlarged, extended, reconstructed, repaired or altered by the Permit Granting Board or Special Permit Granting Authority in conformance with the provisions of Section 9.2 provided, however, that any such enlargement, extension, reconstruction, repair or alteration shall conform to the locational regulations established herein.

9.311 Permitted Additions – Where a non-conforming structure is being expanded under Section 9.310, the addition shall abide by the following requirements:

9.3110 Front and Rear Additions – Any addition in front of an existing building shall be placed such that its front façade is set at or within the front setback area established by the minimum and maximum front setback. Rear additions may only be undertaken simultaneously with front or side additions, and only where the rear extension is not increasing the degree of existing nonconformity.

9.3111 Side Additions for Buildings Located Within the Front Setback Area – For an existing building located at the front setback, any side addition shall also be located at or within the front setback area.

9.3112 Side Additions for Buildings Located Outside of the Front Setback Area – For an existing building located at the rear edge or behind the front setback area, any side addition shall be extended forward such that its front façade is located at or within the front setback area.

9.312 Permitted New Buildings – The front facades of all separate new buildings being constructed on a site with an existing non-conforming structure shall be located at or within the front setback area.

9.313 Modification or Waiver – Any provision of this section may be modified or waived by the Special Permit Granting Authority authorized to act under the applicable section of this Bylaw for compelling reasons of safety, aesthetics, sustainable site design, or historic or environmental preservation needs which serve the purposes of this section.

Action taken on 6/10/13

ARTICLE 36. Zoning Petition – Amend Official Zoning Map to Change Zoning Designation on Parcels 14B-250 and 14B-251 from (R-G) to (B-N) (Guidera et al)

VOTED Yes 120, No 55 to amend the Official Zoning Map to change the zoning designation on Assessor's parcels 14B-250 and 14B-251 from General Residence (R-G) to Neighborhood Business (B-N).

Action taken 5/22/13

ARTICLE 37. Petition – PVTA Funding (Berg et al)
DEFEATED

[We, the undersigned people, who are Amherst voters, petition the said Town of Amherst to provide annual funding of 30 thousand dollars to the Pioneer Valley Transit Authority in order to add a spur to the existing PVTA/UMass Sunderland/South Amherst bus route #31 to service the new Amherst Survival Center on a regular basis as was the case with the previous ASC location, to provide much-need transportation to the elderly, disabled and poverty stricken families and individuals who have neither the ability to traverse the one-third (1/3) mile from the existing stop on North Pleasant at the Congregational Church intersection nor make the return one-third mile walk back to that bus stop. This allocation should include a sheltered bus stop structure with adequate seating, lighting and an emergency call box.]

Action taken 6/10/13

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Town Clerk reported a quorum at 7:11 p.m. and the Moderator immediately called the May 22 session of the May 6, 2013 Annual Town Meeting to order.

Town Meeting began with reconsideration of the Sewer Fund portion of Article 16.

Discussion resumed with Article 38 as voted by Town Meeting on May 6, 2013.

ARTICLE 38. Petition – CAN Residential Rental (Bloom et al)
VOTED unanimously to DISMISS

(Whereas the Town Manager and Chair of the Select Board assured the Fall 2012 Special Town Meeting that they would bring a Rental Permit to Spring 2013 Annual Town Meeting;

- Whereas the Town Manager established a Safe and Healthy Neighborhoods Working Group to draft residential rental property registration and permitting system for the consideration of the Spring 2013 Annual Town Meeting;
- Whereas the Coalition of Amherst Neighborhoods (CAN) has worked closely with SHNWG on rental property regulation and rental permit proposals that CAN supports;
- Whereas SHNWG had not completed its work by the due date for Spring 2013 Annual Town Meeting Citizen Petitions of March 11, 2013;
- Whereas there are elements in a Rental Permit that SHNWG may not include in its article for annual Spring Town Meeting but that CAN strongly endorses;

Therefore: This citizen petition article draws upon the outline of the SHNWG Residential Rental Property Regulations article (as of its March 1, 2013 draft) and incorporates additional elements of importance to CAN.

To see if the town will vote to add the following Residential Rental Permit Bylaw to the General Bylaws of the Town of Amherst, Massachusetts.

The effective date of these regulations shall be ____, 2013.

1. Purpose

These regulations are adopted in accordance with the Town of Amherst's Home Rule Authority and the Amherst Master Plan, in furtherance of the following public purposes:

- a. To protect the health, safety, and welfare of residents and property owners of the Town of Amherst by extending and expanding compliance with basic quality of life, safety, and sanitary codes through the registration and permitting of residential rental properties.
- b. To ensure the safe and sanitary conditions and maintenance of residential structures and premises in the town, as stipulated herein.
- c. To provide clear and accessible guidelines for the operation of rental properties for tenants, owners, landlords, and neighbors, and to extend awareness of Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
- d. To establish and assign responsibility for different aspects of rental housing management.
- e. To help ensure a diverse supply of affordable housing for Amherst residents.
- f. To ensure requirements for the use and maintenance of rental residential properties and premises, including occupancy limits, and compliance with Amherst Bylaws, as established herein.
- g. To stabilize, protect, and enhance the essential characteristics of and quality of life within existing diverse, multi-generational residential neighborhoods for all residents, including families, owners and tenants consistent with Amherst's long history as a college community.

2. Permit Required for Non-Owner Occupied Rentals

For non-owner occupied rental properties in the Town of Amherst, an annual rental permit issued by the code officer is required prior to a person, firm, trust, partnership, corporation or other legal entity letting, renting, leasing, sub-leasing or otherwise allowing the occupancy of a dwelling unit or units, or portions thereof, with exemptions noted below:

- a. Hotels, motels, inns, hostels, or bed and breakfasts as defined in the Amherst Zoning Bylaw.
- b. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts and in accordance with state or federal law.
- c. Special Circumstances. Dwelling units on properties containing no more than two (2) units may be rented without requirement of a rental permit for a period not to exceed one (1) calendar year under the following special circumstances:

- i) During the pending sale of a residential property, or
- ii) In response to regular or periodic interruptions in residency, where such interruptions are the result of illness, catastrophe, professional or academic scheduling, United States Military obligations or other temporary reasons for absence which do not affect basic indices of residency.

At the end of the one (1) year rental period, as calculated from the initial date of the lease or occupancy of the unit(s) by persons other than the owner(s), a rental permit shall be required in compliance with these regulations.

3. Definitions

Definitions of terms used in these rental permit regulations can be found in Appendix B.

4. Permitting Application Process and Requirements:

- a. Rental Permit Applications for non-owner occupied rental units (with exemptions described above in Section 2) shall be made on forms provided by the Town, with such information as the designated code official shall deem reasonable and appropriate.
- a. Information Posted. A permit shall be prominently posted on the rental property containing the following information: Location of said rental property, contact information for owner or designated agent, maximum occupancy and phone number for code enforcement officer.
- b. Renewal of Rental Permit. Rental permits shall be valid for a period of one year from the date of initial permit issuance. Rental permits may be renewed annually in accordance with appropriate rules and regulations noted herein.
- c. Transferability of Rental Permit. Rental permits shall be transferable upon a change of ownership, providing that operation of the continued rental use abides by the provisions of the permit. The new owner or designated agent of the rental property is required to notify the code official of acquisition of the property within 14 days of the sale of the property and to submit for review and approval any proposed changes in the provisions of the permit.
- d. Limits of Town liability. The issuance of a rental permit shall in no way imply liability or responsibility on the part of the Town of Amherst for any claim, injury, damages, costs or expenses that may arise in connection with the use or occupancy of the subject premises.

5. Self-Inspection & Self-Certification

Owners of rental property governed by these regulations shall self-inspect and certify their properties as required under this section and as described in Appendices C and D. Nothing in the Self-Certification program shall limit the Town's authority or the discretion of the code official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under these regulations in a manner consistent with the laws of the Commonwealth.

- a. An owner or designated agent shall conduct an annual inspection of the property using a Self-Certification Checklist to be included as part of the rental permit application on a form provided by the Town as described in Appendix D. The owner or designated agent shall

sign the Checklist indicating, under penalty of perjury, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with their initial application for a permit or annual renewal of the permit for the property and unit(s) in question. Any false statements or information provided on the Checklist shall constitute a violation of these regulations.

- b. Subsidized Housing. Where residential rental units are regularly inspected under requirements of the state or federal government, no additional Self-Inspection and Certification shall be required. Annual certification by the owner that a rental unit has been inspected in accordance with state or federal law shall be accepted by the Town as evidence of Self-Inspection as part of any permit application or renewal.
 - c. Leases or other tenant information. Copies of current, active leases or other record of tenant information for the subject property or units shall be kept on file with the owner or designated agent and shall be made available to the code official within 48 hours of any request.
6. Complaints & Response Process:
- a. Upon receipt of a complaint or notice alleging that the condition of a rental unit or property is in violation of any law or regulation or town bylaw, or that tenants are thus in violation, the code official upon determination that the complaint is reasonable shall conduct an inspection of a premise within a reasonable amount of time. Inspections shall be scheduled by the code official.
 - b. Inspections of rental properties, buildings, grounds, and rented dwelling or rooming units shall be conducted in accordance with all applicable local and state laws, regulations and codes.
 - c. Access to Properties. The owner or designated agent, or the Town code official, upon receipt of a complaint ascertained to be reasonable, can gain access to a rental unit or property for purposes of inspection, in accordance with Massachusetts General Law (Appendix E). The permit holder shall, as part of the Self-Certification process, arrange access by authorized Town personnel to any permitted rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request. A provision such that tenants agree to provide such access shall be a feature of any lease for a rental unit or property permitted under these regulations and in accordance with Massachusetts General Law. Where no lease is used, the owner(s) or their lawful representatives shall provide written documentation indicating that they have made tenants aware that access upon complaint is a condition of rental in the Town of Amherst.

7. Tenant Information

The owner shall be required to distribute annually to tenants and to each new tenant, an information sheet provided by the Town that describes Town bylaws that pertain to occupancy, parking, noise and nuisance, and state laws and codes applying to rental properties. A copy of this information sheet with proof of its delivery shall be made available to any tenant or code official upon request.

8. Occupancy Limits

The maximum number of adult persons who may occupy a dwelling unit or rooming unit shall be as determined by the requirements of the Amherst Zoning Bylaw.

9. Parking

All parking on residential rental properties within the town of Amherst shall comply with Amherst bylaws.

10. Fees

Fees will be structured so that the Rental Permit system remains revenue neutral. In the first year of implementation for the Rental Permit system, this fee shall be set at \$50 per dwelling unit. The Select Board or its designee may revise fees in keeping with revenue neutrality.

11. Enforcement of the Rental Permit system

- a. **Enforcement Personnel.** The Town Manager is hereby authorized to designate the principal code official and other Town officials to enforce or otherwise take actions under this article. The code official or designee shall respond to complaints and upon discovery of violations of Amherst bylaws, seek voluntary compliance on the part of the owner or designated agent.
- b. **Violations.** Non-compliance with any requirement of these regulations shall constitute a violation subject to penalty as described in Appendix F. Every day in which a violation continues shall be considered a separate offence. If more than one violation has occurred, each condition of the regulations that has been violated shall be considered a separate offense. The following shall constitute violations of these regulations:
 - i) Rental of premises requiring a rental permit, as described in Sections 3 and 4 above, without a valid rental permit in accordance with these regulations.
 - ii) Failure to comply with the provisions of Section 6 c) with regard to facilitating access for inspections.
 - iii) Failure to comply voluntarily within the specified time to any valid order to remedy violations of the building or health codes, or any other provisions of these regulations.
 - iv) Failure to comply with any of the conditions affirmed during the Self-Certification process.
 - v) Failure to pay any fees or fines associated with violation of these regulations.
 - vi) Any other violation of the requirements of these regulations.
- c. **Fines, Suspensions, and Non-Renewal of Permit.** Described in Appendix E.

Appendix A: Enabling State and Local Regulations

All inspections, enforcement, and other actions taken under these regulations are authorized under the following, as may subsequently be amended:

- a. Local Regulations.** All applicable local regulations, including but not limited to:

Town of Amherst General Bylaws
Amherst Zoning Bylaw
Amherst Board of Health Regulations

- b. State Law.** All applicable Massachusetts General Laws, including but not limited to:

MGL Chapter 40A (Zoning)
MGL Chapter 143 (Inspection & Regulation)
MGL Chapter 148 (Fire Prevention)
MGL Chapter 186 (Access to Rental Units)

- c. **State Regulations.** All applicable Commonwealth of Massachusetts Regulations (CMR), including but not limited to:

780 CMR (State Building Code and all referenced national and international codes)

105 CMR 410 (State Sanitary Code Chapter II: Minimum Standards of Fitness for Human Habitation)

310 CMR 7.10 (Department of Environmental Protection, Air Pollution Control, Noise)

527 CMR (Board of Fire Prevention Regulations)

521 CMR (Architectural Access Board Regulations)

940 CMR 3.17 (Attorney General's Regulation)

Appendix B: Definitions

Under these regulations, the following terms have the meanings indicated:

[For definitions of *Building*, *Blighted*, *Dilapidated*, *Interested Parties*, *Nuisance Property*, *Lodging or Boarding House*, *Rooming Unit*, *Structure*, refer to definitions in the Amherst Zoning Bylaw. For definitions of *Noise or Nuisance*, refer to definitions in Amherst Bylaws]

Code Official – means the Building Commissioner/Zoning Enforcement Officer of the Town of Amherst, or designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of these regulations.

Dwelling Unit – means the room or group of rooms within a dwelling used or intended for use by one or more persons or one family or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a residential condominium unit.

Emergency – in addition to those events involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property, an emergency shall also be understood to represent any violation of any health or safety code, regulation, or law enforceable by a code official.

Hazard - means a condition likely to expose persons to injury, or property to damage, loss, or destruction.

Occupant – means a person who owns and occupies real property, or who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

Owner – means every person who alone or jointly or severally with others:

1. has legal title to any building, structure, or property to this bylaw, or;

2. has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or is a lessee under written agreement; or is the mortgagee in possession; or is the recognized agent, trustee or other person appointed by the courts.

Owner-Occupant(s) – One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

Person – means an individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity permitted by law to hold title to real estate shall for the purpose of this by-law be deemed a “person.”

Premises – means any real estate used for residential premises, including but not limited to apartments, dwellings, dwelling units, lodging houses, lodging units, rooming houses, and rooming units.

Principal Residence - means the primary residence of an individual, family (as defined in this Bylaw), or property owner, i.e., the home where an owner, and the owner’s family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, U.S. Military obligations or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the code official based upon a preponderance of evidence, including but not limited to the following indices of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

Rooming Unit – means the room or group of rooms let to an individual or household for use as living and sleeping quarters but not for cooking, whether or not common facilities for cooking are made available; provided, that cooking facilities shall not be deemed common if they can be reached only by passing through any part of the dwelling unit or rooming unit of another.

Appendix C: Information Required as Part of a Rental Permit Application

- 1) **Contact Information & Responsible Parties.** Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners and any responsible rental property management entity or person(s). In all cases where the rental property owner(s) does not have their principal residence in the town of Amherst, and in order to ensure contact in circumstances when the owner cannot be reached, the owner shall appoint one or more person(s) who are residents of Amherst to serve as the designated agent for the owner, authorized to act on the owner’s behalf with

regard to the property, but in particular in all matters in response to an emergency which endangers the property or threatens the welfare of any person living on the premises. Notices given to a designated agent shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the code official in writing of any change of designated agent within five days of any such change.

- 2) **Compliance through Self-Certification.** Evidence of current compliance with all applicable local zoning bylaws and regulations, including state health, fire and building codes as well as noise and nuisance bylaws, shall be provided through submission of an Owner's Self- Certification Checklist provided by the Town, described in Appendix D.
- 3) **Agreement that leases or other tenant identification information** will be provided to code officials upon request in response to complaints.
- 4) **Agreement that permit information**, including location, maximum occupancy, name and contact information of owner or designated agent, and phone number for the Code Enforcement Official, will be prominently posted on the property.
- 5) **Agreement that tenants will be informed** in writing of Town of Amherst occupancy, parking, noise and nuisance bylaws and that they will be asked to agree, in writing, that they and their guests will comply with Amherst bylaws.
- 6) **Access:** A provision by which tenants agree to provide such access for authorized code enforcement officials to inspect the premises upon receipt of a complaint, shall be a feature of any lease for a rental unit or property permitted under these regulations, in accordance with Massachusetts General Law Chapter 186 Section 15B (quoted in Appendix E.) Where no lease is used, the owner or designated agent shall provide documentation demonstrating that tenants have agreed to such inspection of the rental unit or property in accordance with MA General Law.
- 7) **Payment of rental permit fee** as established in Amherst bylaws and by the Select Board.
- 8) **Complete & Accurate Information Required.** No incomplete application will be accepted. It shall be a violation of these rental permit regulations for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.

Appendix D: Self-Certification Checklist

This checklist is in accordance with Town of Amherst Rental Regulations and is required to obtain a Rental Permit. Self-Certification constitutes affirmation by the property owner as to the condition of the rental property and unit(s) to be certified and other conditions stated below being met, as of the self-inspection date. This document consists of two (2) pages.

PROPERTY INFORMATION

Property Address: _____ No. of Units Certified: _____
Property Owner: _____
Property Owner Address: _____

If Property Owner is a Business Corporation and/or LLC please include name and address of the *Resident Agent* on file with the Commonwealth of Massachusetts Corporations Division:

Resident Agent of Company: _____
Name

Address

Management Company (if any): _____

Contact Information for a *Responsible Contact Person* or *Qualified Resident Manager*, if either pertains:

Name

Address

Phone

email

24 Hour Emergency Contact #: _____

SELF-INSPECTION INFORMATION

Date of Inspection _____ Inspector _____

1. Zoning: I hereby affirm that the property is in compliance with all current requirements of the Amherst Zoning Bylaw with regard to the residential rental use and any required site or parking plans.

Maximum Residential Occupancy _____ Maximum Number of Vehicles _____

☐ No changes have been made to previously approved parking plan, including exterior lighting.

2. Safe & Healthy: I hereby affirm that the following aspects of the building(s) and site are in compliance with Massachusetts Sanitary, Building and Fire Codes, and the Town of Amherst's Residential Rental Regulations.

Exterior Conditions:

- ☐ Adequate snow/ice removal arrangements
- ☐ Trash/recycling management
- ☐ Building envelope secure & weather-tight
- ☐ Building exterior in good repair

- ☐ Sufficient site & building lighting
- ☐ Abandoned vehicles
- ☐ Grounds upkeep
- ☐ Upholstered furniture

Life Safety Systems: The following are present and properly functioning:

- | | |
|---|---|
| <input type="checkbox"/> Means of egress | <input type="checkbox"/> Emergency lighting (if required) |
| <input type="checkbox"/> Smoke/CO detectors | <input type="checkbox"/> Fire Extinguishers |
-

Healthy Living Conditions:

- | | | |
|---|--|--|
| <input type="checkbox"/> Secure building & rooms | <input type="checkbox"/> Sufficient natural light | <input type="checkbox"/> Sound buffered |
| <input type="checkbox"/> General cleanliness | <input type="checkbox"/> All fixtures present & in good repair | <input type="checkbox"/> Pest/vermin-free |
| <input type="checkbox"/> Ventilation/air exchange | <input type="checkbox"/> Accessibility-compliant | <input type="checkbox"/> No active hazards |

3. Noise and Nuisance: I hereby affirm that I have informed my tenants in writing of the Town of Amherst occupancy, parking, noise and nuisance bylaws. The tenants have affirmed in writing that they understand these Bylaws and the penalties imposed for violation and have agreed in writing that they and their guests will comply with them.

In signing this Checklist, I hereby affirm under penalty of perjury the assertions of facts contained herein as of the date of inspection.

Name: _____ Title _____
(Please Print)

Signature: _____ Date _____

Appendix E: Enforcement Procedures and Related Penalties

The following Standard Enforcement Procedures will be followed by the Code Official upon receipt of a complaint concerning a violation of Amherst bylaws:

1. Property Research
2. Site Inspection
3. Notice of Violation and Request for Voluntary Compliance
4. Follow up Inspection based upon Voluntary Compliance
5. Enforcement Order if Voluntary Compliance is not achieved or successful
6. Fines
7. Non-renewal of rental permit or suspension of rental permit, as described below
8. Court Action

Steps 1 and 2, as listed above, will be triggered by the Code Officer's receipt of a complaint or other evidence of an Amherst bylaw violation. Upon evidence of such a violation, the Code officer works with the owner or designated agent to achieve voluntary compliance, as noted in steps 3 and 4 above. Enforcement measures are put in place in cases whereby voluntary compliance is not achieved.

Fines. Fines may be issued for non-compliance with an enforcement order. The code official may grant a continuance when there is evidence that a good faith effort is being

made to come into compliance.

- Non-Criminal Disposition - \$100 for each offense
- Fire Regulations – As specified in 527 CMR 1.07, as amended (\$100 - \$1,000, depending on the offense).
- Building Code/Sanitary Code – Assessed by the court

Suspension of Rental Permit. The Code Official may suspend a rental permit if one or more of the following serious violations are found during the Standard Enforcement Procedures noted above:

- Health Official finds conditions deemed to endanger or impair health or safety as defined by the Massachusetts Sanitary Code.
- A structure is deemed unsafe by the Building Official as defined by the Massachusetts Building Code.
- The Code Official finds that the owner or designated agent knowingly allowed or assisted in allowing violations of the Amherst bylaws.
- The Code Official finds that the owner or designated agent has not reasonably addressed violations of Amherst Noise or Nuisance Bylaws that have resulted in three or more documented complaints against the property in question.
- The owner or designated agent repeatedly refuses or neglects to comply with an order of the Code Official.

| | |
|--------------------------------------|--------------------|
| First Offense: | 90 day suspension |
| Second Offense in a 12 month period: | 180 day suspension |
| Third Offense in a 12 month period: | 3 year suspension |

Non-Renewal of Rental Permit. The Code Official shall refuse annual renewal of a rental permit if one or more of the violations noted above have not been remedied by the owner or a responsible person or manager, or if in the judgment of the Code Officer, reasonable measures have not been taken to create remedies.

Appeals. The owner may appeal the decision of the Code Official to suspend to the Select Board or a local appeals authority appointed by the Select Board. Appeals must be filed within 14 days of the decision and will be heard within 30 days of filing. Any further appeal is to court.

Tenants. The Code Official or owner shall make arrangements for tenants to live out their lease or find other lodging if the tenants are found harmless with reference to the violations that have led to the suspension or non-renewal of a rental permit affecting their residency. In such cases of non-renewal or suspension of a rental permit, the Code Official will make arrangements to hold any rents in escrow pending the renewal of a permit.)

Action taken 5/22/13

ARTICLE 39. Petition – Nuisance House Bylaw Amendment (Perot et al)

VOTED unanimously to DISMISS

[Given that errors were made in the 2012 Fall Town Meeting by:

- a) omitting a section that was intended to be deleted,
- b) including fire and ambulance in the response costs which is impractical,
- c) minor clerical errors and additions to increase clarity. the following corrections are recommended to the bylaw.

VOTED to amend the General Bylaws Nuisance House by adding the language in **bold face** and deleting the underlined **strike through** language as follows:

Purpose

In accordance with the Town of Amherst's Home Rule Authority, and to protect the health, safety, and welfare of the inhabitants of the Town, this bylaw shall permit the Town to impose liability on owners, rental property managers and other responsible persons for the nuisances and harm caused by loud and unruly gatherings on private property and shall discourage the consumption of alcoholic beverages by underage persons at such gatherings.

§ 1. Definitions

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all liquids intended for human consumption as a beverage **that** contains one half of one percent or more of alcohol by volume at sixty degree Fahrenheit, including malt beverages.

Eviction means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the premises.

Gathering is a party, gathering, or event, where a group of persons have assembled or are assembling for a social occasion or social activity.

Legal Guardian means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

Underage Person means any person under twenty-one years of age.

Parent means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

Premises means any residence or other private property, place, or location, including any commercial or business property.

Property owner means the legal owner of record as listed by the tax assessor's records.

Public Nuisance means a gathering of persons on any premises in a manner **that** constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property. Unlawful conduct includes, but is not limited to excessive noise, excessive pedestrian and vehicular traffic, obstruction of public streets by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and litter.

Response costs are the costs associated with responses by law enforcement. ~~fire and other emergency response providers~~ to a gathering as set forth in a schedule of costs established by the Board of Selectmen.

Rental property Manager or Management organization. Any person or organization acting on

behalf of a rental housing owner or owners to screen and place tenants, collect rent, security deposits and other fees, maintain and secure rental housing property, or any or all of the above.

§2. Consumption of Alcohol by Underage Persons Prohibited in Public Place, Place Open to Public, or Place Not Open to Public

Except as permitted by state law, it is unlawful for any underage person to:

- (a) consume at any public place or any place open to the public any alcoholic beverage: or
- (b) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage the underage person is being supervised by his or her parent or legal guardian.

§3. Hosting, Permitting, or Allowing a Public Nuisance or Party, Gathering, or Event where Underage Persons Consuming Alcoholic Beverages Prohibited

- a. It is the duty of any person having control of any premises who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to, controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting driver's licenses or other government-issued identification cards to ensure that underage persons do not consume alcoholic beverages while at the gathering; and supervising the activities of underage persons at the gathering.
- b. A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order by the Police requiring the gathering to be disbanded and citation and/or arrest of any persons under any applicable provision of local or state law.
- c. It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person.
- d. This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and his or her parent or legal guardian as set forth in G.L. c.138, §34.
- e. This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

§4. Mailing of Notice to Property Owner.

Notice of response by police or other local officials to a gathering shall be mailed by the Town Manager's office to any property owner listed on the Town of Amherst property tax assessment records and the rental housing manager or management organization, advising them that the third such response on the same premises within a one year period, as measured from the date of the first notice, shall result in liability of the property owner and rental housing manager or management organization for all penalties associated with such response ~~costs~~ as more particularly described below.

§5. Persons Liable for a First and Second Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises, the following persons shall be jointly and severally liable for fines as set forth below.

Response costs shall also be assessed **but not collected until the 3rd violation.**

- a. The person or persons residing on or otherwise in control of the property where such gathering took place.
- b. All persons attending such gathering constituting a Public Nuisance.

§6. Persons Liable for a Third and Subsequent Response to a Gathering Constituting a Public Nuisance.

If the police department is required to respond to a gathering constituting a public nuisance on the premises more than twice in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response costs shall also be ~~assessed~~ **collected for this and the previous two violations.**

- a. The person or persons who own and/or manage the property where the gathering constituting the public nuisance took place provided that notice of the first and second responses have been mailed to the owner of the property as set forth herein and the gathering occurs at least ~~14~~ **10** days after the mailing of the second such notice. ~~The owner of the property shall not be held responsible for any violations or penalties if they are actively trying to evict the offending tenants from the property.~~
- b. The person or persons who organized or sponsored such gathering.

§7 Enforcement

This bylaw shall be enforced by criminal complaint in the District Court. Violations shall be punishable by a fine of \$300.00. In the alternative it may be enforced by the noncriminal disposition process of M.G.L. c.40 Section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Amherst. If enforced pursuant to noncriminal disposition, the following fines shall apply:

The Town of Amherst shall additionally seek administrative costs and response costs associated with enforcement of Sections 2 and 3, through all remedies or procedures provided by state or local law.

Sections 2 and 3 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 2 and 3, nor shall they limit the Town of Amherst or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 2 and 3.

§8. Local Authority and Severability

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this ordinance, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this ordinance

which can be given effect without the invalid provisions or application, to this end the provisions of this ordinance are severable.]
Action taken 6/10/13

ARTICLE 40. Petition – Rental Housing Information (O’Connor et al)

DEFEATED

[To see if the Town will vote to amend the Town’s General Bylaws to include the following “Rental Housing Information Bylaw”:

a. By August 1 of every year, a Town official designated by the Town Manager shall post on the Town website accessible via a prominent location on the front page of that website lagged “Rental Housing Regulations” an updated electronic version of the pamphlet “Your Rights and Responsibilities as a Landlord or Tenant in the Town of Amherst, Massachusetts” along with such other housing information, town bylaws and regulations as the Select Board, the Town Manager and other Town officials working together shall deem appropriate;

b. The Select Board, the Town Manager and other Town officials working together shall diligently endeavor to persuade the administration of the University of Massachusetts to email to each and every student living off-campus in the Town of Amherst an electronic version of the material prepared pursuant to section “B” of this bylaw.]

Action taken 6/10/13

ARTICLE 41. Petition – Residential Parking (O’Connor et al)

VOTED to DISMISS

[To see if the Town will vote to amend the General Bylaws by adding the following:

Residential Parking

Existing Residential Parking. Parking in the front setback shall be limited to paved or surfaced areas and no parking shall be permitted on lawn areas or other unpaved or unsurfaced landscaped areas as part of the use of any residential property within the Town of Amherst.

Waivers or modifications of these requirements, both permanent and temporary, may, for compelling reasons, be granted pursuant to a written request from the property owners by a code enforcement official designated by the Town Manager, which official may take into account site limitations, existing or proposed screening, previous owner-occupancy use, etc.;

Residential Rental Property. All leases and agreements for the use of rental property within the Town of Amherst shall contain clauses limiting parking as set forth above and providing penalties for violations. Owners or managers of rental properties shall maintain rosters of tenant vehicles authorized to be garaged at each separate rental property, house or apartment complex and shall make such rosters immediately available to police, fire or other Town officials upon request;

New or Expanded Parking. Any new or expanded parking shall comply with the Design Standards and Landscape Standards of the Amherst Zoning Bylaw;

Violations and Enforcement. Non-compliance with these regulations shall be considered a

violation, the penalty for each violation shall be \$100 and each day a violation continues shall be considered a separate offense. This bylaw shall be enforced by criminal complaint in the court of competent jurisdiction, or as an alternative violators may be issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D.]

Action taken 6/10/13

ARTICLE 42. Petition - Affordability Restriction Echo Hill Apartments (Boutilier et al)
VOTED Yes 95, No 93 to refer this article back to the Housing and Sheltering Committee (To authorize the Select Board to acquire from Echo Gatehouse Partners, LLC or their successors, by eminent domain, purchase, gift or otherwise, the fee simple interest or an affordable housing restriction in the land and improvements located at 24-30 Gatehouse Road, identified as Block 2, Parcel 21 of Map 18A of the Town Cadastre, known as the Echo Village Apartments, and comprising of 24 housing units on approximately 0.37 acres of land, for affordable housing purposes and/or general municipal purposes, and for the purpose of conveyance, and borrow \$2,600,000 to fund such acquisition and costs related thereto, and authorize the Treasurer, with the approval of the Select Board, to borrow said amount under and pursuant to Chapter 44 Section 7 of the Massachusetts General Laws or pursuant to any other enabling authority, the expenditure of such funds to be contingent on the receipt of grants, gifts and bequests in an amount equal to the 85% of the amount of the foregoing appropriation, and authorize the Select Board and the Town Manager to apply for and accept any gifts, bequests, or grants from the federal Government, the Commonwealth of Massachusetts and others, and, further, authorize the Select Board to convey said land and improvements or interest therein to the Amherst Housing Authority or other non-profit affordable housing management organization in accordance with the applicable provisions of the Massachusetts General Laws.)
Action taken 5/29/13

At 9:52 pm on May 29, 2013, the meeting voted to adjourn to Monday, June 3, 2013 at 7:00 p.m. in the auditorium of the Amherst Regional Middle School. 196 town meeting members were checked in.

There were 251 town meeting members; 126 town meeting members constitute a quorum. The Constable reported a quorum at 7:10 p.m. and the Moderator immediately called the June 3 session of the May 6, 2013 Annual Town Meeting to order.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of Alice Epstein who recently passed away.

Town Meeting resumed with discussion of Article 43.

ARTICLE 43. Petition - Purchase Conservation Restriction Parcels 84, 91 & 96 of Map 5A (Burke et al)
VOTED Yes 98, No 90 to DISMISS

(To see if the Town will vote: (1) to acquire from W.D. Cowls, Inc. or their successors by eminent domain, purchase, gift or otherwise in fee simple, as a conservation restriction, easement or other interest therein Parcels 84, 91 and 96 of Map 6A of the Town Cadastre, located between Flat Hills Road, Henry Street and Market Hill Road and comprising 5.3, 147.59 and 0.60 acres respectively or 153.49 acres more or less, for conservation and agricultural preservation purposes and to fund such acquisition appropriate \$1,200,000 subject

to receipt of grants, gifts and bequests equivalent to 70% of such appropriation and to determine whether to meet such appropriation by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Federal Government, the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants; and (2) to authorize said land or interest in land to be managed and controlled by the Conservation Commission in accordance with Massachusetts General Laws, Chapter 40, Section 8-C.)

Action taken 6/3/13

ARTICLE 44. Petition - Local Voting Rights for Legal-permanent Resident Non-citizens (Morales et al)

VOTED Yes 159, No 4 to authorize the Select Board to file with the legislature a request for a special act entitled, "An Act authorizing local voting rights for legal permanent resident non-citizens residing in Amherst," as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, legal permanent resident non-citizens eighteen years or older who reside in Amherst may, upon application, have their name entered on a list of voters established by the Town Clerk for the Town of Amherst and may thereafter vote in any election for local offices or local ballot questions.

Section 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon legal permanent resident non-citizens the right to vote for any state or federal office or any state or federal ballot question.

Action taken 5/22/13

ARTICLE 45. Petition - Equitable Distribution of Social Service Funding (Greeney et al) VOTED unanimously to DISMISS

(To see if the Town Meeting would appropriate up to \$90,000 to fund the social service projects which were submitted to the Town and might not receive funding during the Amherst 2013 CDBG transitional period. Not to exceed the individual amount request, Town Meeting shall distribute the appropriation equitably among these projects. The Projects can be reviewed on the Town's Website: <http://www.amherstma.gov/index.aspx?NID=1731>

- Education for Career Coaching for Immigrants (Center for New Americans);
- Emergency Funds for Resource Caseworker (Family Outreach of Amherst);
- Flexible Emergency Funds (Town of Amherst);
- Food Pantry (Amherst Survival Center);
- Housing and Stabilization Project (Amherst Community Connections);
- Mentoring Program (Big Brothers and Big Sisters of Hampshire County);
- Passport to Success; GED to Jobs Program (The Literacy Project); and
- Rental Assistance for Intermediate Living (Town of Amherst).)

Action taken on 5/20/13

At 10:01 pm on May 20, 2013, the meeting voted to adjourn to Wednesday, May 22, 2013 at

7:00 p.m. in the auditorium of the Amherst Regional Middle School. 199 town meeting members were checked in.

At 10:57 p.m. on Monday June 10, 2013, the business of the warrant having been completed, town meeting voted to dissolve the May 6, 2013 Annual Town Meeting. 181 town meeting members were checked in.

**TOWN WARRANT
SPECIAL STATE ELECTION
June 25, 2013**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Zion Church Hall | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Immanuel Lutheran Church | Precinct 8 | Munson Memorial Library |
| Precinct 4 | Large Activity Room, Bangs Community Center | Precinct 9 | Wildwood School |
| Precinct 5 | Large Activity Room, Bangs Community Center | Precinct 10 | Glass Room, Bangs Community Center |

on **TUESDAY, THE 25th DAY OF JUNE, 2013**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Special State Election for the candidates for:

SENATOR IN CONGRESS FOR THIS COMMONWEALTH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 13th day of May, 2013.

Aaron A. Hayden
James J. Wald
Stephanie J. O’Keeffe
Diana B. Stein
Alisa V. Brewer
Select Board

May 16, 2013

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Precinct 1 North Amherst Post Office
Precinct 2 North Fire Station
Precinct 3 Marks Meadow School
Precinct 4 Amherst Post Office
Precinct 5 Town Hall

Precinct 6 Fort River School
Precinct 7 Crocker Farm School
Precinct 8 Munson Memorial Library
Precinct 9 Wildwood School
Precinct 10 Campus Center, UMass

Thomas J. Sarna
Constable, Town of

Amherst

**TOWN WARRANT
SPECIAL STATE ELECTION
June 25, 2013**

Hampshire, ss.

To one of the Constables of the Town of Amherst

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Amherst who are qualified to vote in Elections to vote at:

| | | | |
|------------|--|-------------|---------------------------------------|
| Precinct 1 | North Zion Church Hall | Precinct 6 | Fort River School |
| Precinct 2 | North Fire Station | Precinct 7 | Crocker Farm School |
| Precinct 3 | Immanuel Lutheran Church | Precinct 8 | Munson Memorial Library |
| Precinct 4 | Large Activity Room, Bangs Community Center | Precinct 9 | Wildwood School |
| Precinct 5 | Large Activity Room, Bangs Community Center | Precinct 10 | Glass Room, Bangs Community Center |

on **TUESDAY, THE 25th DAY OF JUNE, 2013**, from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Special State Election for the candidates for:

SENATOR IN CONGRESS FOR THIS COMMONWEALTH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 13th day of May, 2013.

Aaron A. Hayden
James J. Wald
Stephanie J. O'Keeffe

Diana B. Stein
Alisa V. Brewer
Select Board

May 16, 2013

Hampshire, ss.

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Precinct 1 North Amherst Post Office
Precinct 2 North Fire Station
Precinct 3 Marks Meadow School
Precinct 4 Amherst Post Office
Precinct 5 Town Hall

Precinct 6 Fort River School
Precinct 7 Crocker Farm School
Precinct 8 Munson Memorial Library
Precinct 9 Wildwood School
Precinct 10 Campus Center, UMass

Thomas J. Sarna
Constable, Town of

Amherst

Results
SPECIAL STATE ELECTION
June 25, 2013

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

| SENATOR IN CONGRESS | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | TOTAL |
|--------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Gabriel E. Gomez | 30 | 91 | 30 | 12 | 51 | 98 | 83 | 121 | 37 | 14 | 567 |
| Edward J. Markey | 309 | 576 | 209 | 176 | 457 | 698 | 570 | 885 | 478 | 203 | 4561 |
| Richard A. Heos | 2 | 1 | 1 | 1 | 1 | 2 | 4 | 0 | 0 | 0 | 12 |
| All Others | 2 | 3 | 0 | 0 | 0 | 0 | 2 | 1 | 2 | 1 | 11 |
| Blanks | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| TOTAL | 343 | 671 | 240 | 189 | 510 | 798 | 659 | 100 | 517 | 218 | 5152 |

| PCT. | P.M. RETURN TIME | TOTAL REGISTERED VOTERS | MACHINE VOTES | HAND COUNTED VOTES | TOTAL VOTES CAST | % VOTING |
|-------|------------------------|-------------------------------|------------------|--------------------------|------------------------|----------|
| 1 | 9:05 | 1,724 | 341 | 2 | 343 | 19.90 |
| 2 | 9:25 | 2,227 | 669 | 2 | 671 | 30.13 |
| 3 | 9:15 | 1,811 | 235 | 5 | 240 | 13.25 |
| 4 | 9:05 | 1,891 | 187 | 2 | 189 | 9.99 |
| 5 | 9:05 | 1,760 | 505 | 5 | 510 | 28.98 |
| 6 | 9:11 | 2,240 | 796 | 2 | 798 | 35.63 |
| 7 | 9:35 | 2,139 | 654 | 5 | 659 | 30.81 |
| 8 | 8:47 | 2,568 | 1,005 | 2 | 1,007 | 39.21 |
| 9 | 8:43 | 2,184 | 516 | 1 | 517 | 23.67 |
| 10 | 9:05 | 1,664 | 215 | 3 | 218 | 13.10 |
| TOTAL | | 20,208 | 5,123 | 29 | 5,152 | 25.49 |

The polls were closed at 8:00 p.m. as directed in the Warrant. 5,152 ballots were cast representing 25.49% of the 20,208 voters registered. The public announcement was made at 9:35 p.m. on June 25, 2013.

Attest:
Sandra J. Burgess